

# THE TEXAS OBSERVER

*A Journal of Free Voices*

*January 11, 1985*

*One Dollar*



Eric Avery

## **Bringing the Wars Home**

# Driving the Car

IN A POEM of modern America, "To Elsie," William Carlos Williams writes:

Somehow  
it seems to destroy us

It is only in isolate flecks that  
something  
is given off

No one  
to witness  
and adjust, no one to drive the car

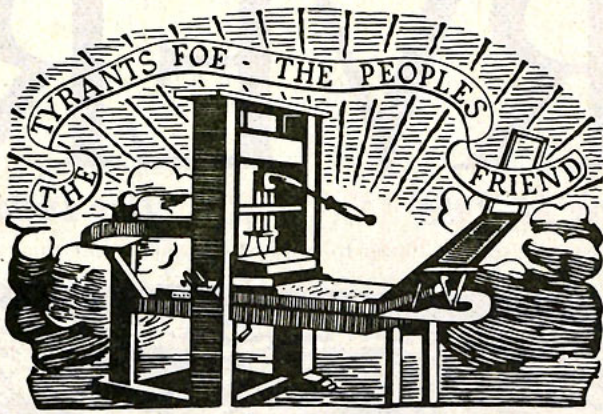
Isolate flecks. A chemical disaster in Bhopal, India. The choice of Deaf Smith County as a possible dumpsite for high-level radioactive waste. The arrest of Jack Elder and Stacey Merkt in the Valley for transporting Salvadoran refugees. Proposed cutbacks in student loans, federal library grants, farm subsidies, Medicare coverage. Calls for increased aid to Afghan rebels not far removed in ideology from Shi'ite Muslims of Iran or Lebanon, with whom Washington is little enamored, supported because they fight the Soviets.

Television network news: December 25, Christmas day. Sandwiched between a long story about Christmas cheer in a Midwest town and a longer story about the Christmas wishes of children is a short item about the bombing of three abortion clinics in Florida. The U.S. Attorney General says that these bombings are not acts of terrorism. Isolate flecks.

The big Christmas story this year was the starvation in Ethiopia. Many reasons were given for the apparent international indifference prior to the story's emergence on U.S. network television. Local Marxist intransigence and/or corruption. Soviet callousness. U.S. reluctance to aid a Marxist government. But the reasons were secondary to the timing. In Austin, an organization with the nonsensical name The Expression of Hunger As Self (TEHAS) was established to funnel money to Ethiopian relief efforts. The *Austin American-Statesman* ran stories on the front page of its lifestyle section focusing on one or another Yuppie effort to raise money for TEHAS. Cocktail parties were the dominant mode. Assuming that the organizers of this project were not referring to Ethiopians expressing hunger as self, they must have in some *Est-ian* way felt like they were taking on the contemplation of hunger as a purifying exercise and were thereby cleansed in time for Santa Claus and the revelry of the new year. You can't really fault this outpouring at the Christmas season, but, clearly, no one was driving the car.

But this is the nature of reality in a United States entering 1985. Information is made up of news clips, each unrelated to the next, each obliterated within hours to make room for the sale of the next day's news. No one is accountable for clinic bombings or budget cuts. The deposit of nuclear waste will be in the state with the least political clout at the time the decision is made. And on the state level, proposals for cutbacks in higher education funding and no increase in state employee salaries, the perennial inability to raise Aid to Families with Dependent Children (AFDC) funding to decent rates are all said to be the unavoidable results of economics — oil price drops federal spending reductions, etc.

It's as if the forces of economics and history are inexorably marching over all the good intentions of our government and



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its citizens to prevent hunger, chemical disaster, inequity. It's as if the leaders of government were more wedded to the idea of inexorable history than was old Karl Marx. It is as if no decisions are being made.

But decisions are being made on Wall Street, on the Federal Reserve Board, at Union Carbide — decisions that affect huge segments of the economy in this state, in this country, and around the world.

Hunger in Ethiopia is an expression of the weather, of the desert, of international markets and marketeers, and possibly of the end of U.S. Food-for-Peace programs. The indictment of Jack Elder and Stacey Merkt is as much related to the fact that large Valley growers have interests in Salvadoran agriculture as the disaster in Bhopal is related to the fact that desperate Third World economies do not have the leveraging power of the United States populace to force adequate safety measures on multinational firms.

The budgetary shortfall now become a legislative fact of life is as much the result of an economy organized as a bulwark against corporate and individual income taxes as of a downturn in oil and gas prices. Other states have done much more with much less (though the Donald Regan proposals for eliminating federal deductions for state income tax further strengthen the hand of those opposing state income taxes and supporting reductions in federal income taxes).

The time has come to put the isolate flecks together, to witness and adjust before it destroys us. It is time to organize, to take the steering wheel, to drive the car. **G. R.**

## Our War, Their Country

**I**F THE United States is to avoid a wider war in Nicaragua there will need to be principled and firm opposition in Congress to President Reagan's interventionist urges. But political integrity on the question of Nicaragua has been an uncommon commodity in Congress. A particularly sorry example of the wrong stuff emerged from the Congressional Hispanic Caucus in December.

Five members of the caucus made a field trip into South and Central America and on Dec. 8 met with Nicaraguan President Daniel Ortega. The next day at a news conference in El Salvador they announced that they were sorely disappointed with Ortega. The leader of the caucus, Representative Bill Richardson, Democrat from New Mexico, said he may now support aid to the contras fighting against the Nicaraguan government. "You could say I have gone from being against aid to the contras to being on the fence about it," Richardson said. Rep. John J. LaFalce, Democrat from New York, jumped onto the same fence.

Congress suspended aid to the contras in October but may be asked to renew it again early this year. An aide to Rep. Richardson told the *Observer* Dec. 21 that the Congressman is "in a quandary" because of the unsatisfactory meeting in Nicaragua. What set Richardson off, the aide said, was that, while Richardson wanted to discuss press freedom and travel restrictions in Nicaragua, Ortega seemed preoccupied with the threat of a U.S. invasion.

Thus, the remarkable conclusion of Representative Richardson: The CIA war against Nicaragua might not be such a bad idea after all.

Ponder the arrogance of that for a moment. "You disappoint us, Daniel Ortega," the Congressman seems to be saying, "therefore we may have to overthrow you." Even in the event the Congressman is only making the threat for political effect, one can hardly miss the assumption that goes along with his statements: Nicaragua is out of line and subject to penalty

when it doesn't please the United States or a group of Congressional members. Most Democrats seem to share this assumption. In the heat of the excitement over phantom MiGs in Nicaragua on the night Reagan was being re-elected here, even Senator Christopher Dodd warned of U.S. wrath and retribution.

Columnist Richard Reeves observed last month: "Even as we celebrate an assertive new Americanism, we can't seem to comprehend the force of nationalism in smaller places. The most depressing comment I have heard about all this was from an important Washingtonian who met with Nicaraguan President Daniel Ortega and came away saying he couldn't understand why Ortega was so passionately anti-American. Well, the Nicaraguan's hostility may have something to do with the fact that American troops occupied his country for 22 years, then installed the Somozas as our brutal surrogates for another 45 years." One wouldn't think this would need to be explained to "an important Washingtonian," but it does.

As democrats we *do* have an interest in what goes on in Nicaragua. We are all made nervous by sentences that concede,

# CONTENTS

## FEATURES

- |  |                     |
|--|---------------------|
| 2 Driving the Car                          | Geoffrey Rips       |
| 3 Our War, Their Country                   | Dave Denison        |
| 4 Sanctuary Movement Attacked              | Mike Tolson         |
| 6 Terrorism and Motherhood                 | Mary Lenz           |
| 7 The U.S. Hand in<br>Nicaraguan Elections | Mike Conroy         |
| 10 A Conversation with<br>Jefferson        | Maury Maverick, Jr. |
| 11 South African Opportunism               | James Ridgeway      |
| 13 Enter Lyndon Johnson                    | Anthony Orum        |

## DEPARTMENTS

- |                                      |                |
|--------------------------------------|----------------|
| 22 Political Intelligence            |                |
| 25 Dialogue                          |                |
| Books and the Culture:               |                |
| 26 In the Shadow of<br>the Dictators | Louis Dubose   |
| 27 Poets of Nicaragua                | Amy Johnson    |
| 28 Social Cause Calendar             |                |
| 30 Afterword:                        |                |
| Law School Murders                   | Ruperto Garcia |

(Cover art by Eric Avery)

"Yes, there have been people arrested for political reasons, but. . . ." In such concessions, we fear, lie the beginnings of repression. We want no apologists for repression anywhere. But we do not own Nicaragua. And, as patrons of Nicaraguan dictators for most of this century, who are we to lecture Nicaragua on repression?

Five thousand men were rounded up in house-to-house searches in Chile on Dec. 7. Were the civil liberties of each person protected? Was due process guaranteed to all detainees? And yet, because "our boys" run Chile such matters do not trouble the consciences of the Reagan administration. We continue to support bank loans to Chile from the Inter-American Development Bank, even while we are agitating against similar loans to Nicaragua.

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*To speak with any moral authority on the matter of Nicaragua, Congress must at least obey its own laws.*

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To speak with any moral authority on the matter of Nicaragua, Congress must at least obey its own laws. Since passage of the Boland Amendment in 1982, it has been illegal for U.S. personnel to participate in any effort to overthrow the Sandinistas. And yet millions of dollars have gone to fund the contras' illegal war. Members of Congress know that the CIA is up to something in Nicaragua. Why, then, the self-righteous spasms when part of the effort — the mining of

harbors, the distribution of a guerrilla manual — comes to light? The House Intelligence Committee decided Dec. 5 that the law had been violated by the distribution of the CIA assassination manual. The catch is, there are no penalties for violation of the law. The House Committee has taken its stand. The CIA actions were wrong. So what?

For one thing, 8000 Nicaraguans have been killed in the war since 1982. This is something to remember when the Reagan administration asks Congress to renew aid to the contras. We are paying people to do our killing.

In Washington, the debate swirls between Caspar Weinberger and George Shultz on how to run our foreign wars. Shultz is reported to favor more widespread intervention, such as the efforts in Grenada and Lebanon. Weinberger is reported to disapprove of those actions and favor the use of force only in cases where we mean to win — and win decisively.

From Fred Iklé, in Weinberger's Defense Department, came a proposal in December to transfer diplomatic recognition to the Nicaraguan rebels and to ask Congress to fund them as the legitimate government of Nicaragua. An official in Shultz's State Department told the *New York Times*, "The two main alternatives to current policy — outright military intervention or a political solution — are both unacceptable. . . ."

It is hard to say who is the more threatening, Weinberger or Shultz, but it is truly frightening to see Democrats who ought to be leading the opposition teetering precariously on the fence. Every day in Congress they ought to be asking, "Why is a political solution in Nicaragua said to be unacceptable?" And every day they ought to stand firm against hiring mercenaries, hit men, and thugs to wage our border war against Nicaragua.

D. D.

## Sanctuary Movement Attacked

By Mike Tolson

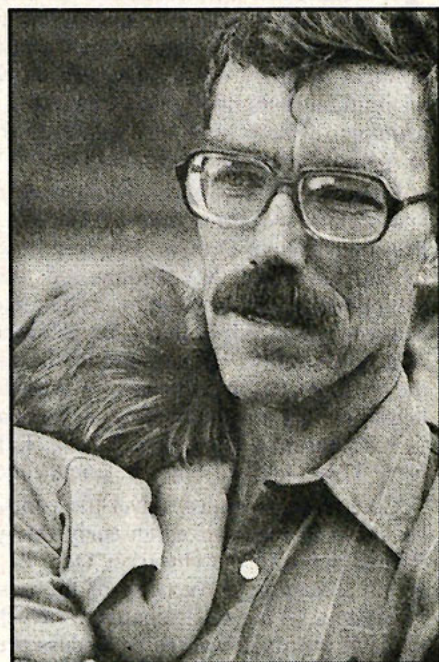
*San Benito*

THE SANCTUARY Movement, given a judicial warning shot across its bow last year, is again feeling the heat of federal fire. Two of the movement's principal figures, Jack Elder and Stacey Lynn Merkt, face a very real prospect of imprisonment for helping Central American refugees gain a toehold in a country known to them only by reputation, and not, obviously, by current reputation for something less than hospitality.

Elder, along with wife Dianne, is director of Casa Oscar Romero, a modest, sidestreet refuge in this town less than 20 miles from the Mexican border. Merkt, a religious lay worker, assists them and teaches survival English

to the refugees. Both were indicted in early December on charges of "transporting illegal aliens," specifically five Salvadorans whom they allegedly helped get to Houston. The government contends Elder aided their entry into the country and drove them to Casa Romero. Merkt, it says, took them to a bus station in McAllen and bought the tickets. The charges, handed down in an indictment spread to eight counts, are serious enough; aggravating the situation is the pair's current legal status. Merkt is serving two years probation following a conviction on similar charges in May. Elder is already facing trial for transporting aliens, though no date has been set.

The indictment, which traces in great detail the progress of the Salvadorans through Matamoros and into the United States, seems to represent an organized effort by the Immigration and Naturali-



Jack Elder and son

zation Service (INS) to put Casa Romero out of business, or at least under new management. To say Elder and Merkt were set up might be too strong. But they were not caught in the act, unlucky victims of a random stop. A month passed between most of the alleged

Photo by Alan Pogue

Mike Tolson is a columnist for the San Antonio Light.

violations and the issuing of the indictment. The government had to pursue this case.

The INS, which considers most of the would-be immigrants "economic" refugees, has long held the Sanctuary Movement in disdain. Richard Casillas, regional INS director in San Antonio, went so far as to accuse the Catholic Church of abetting anarchy because it was willfully violating immigration laws. Official disapproval, however, has seldom been translated into action. Border Patrol agents have even been known to bring refugees to Casa Romero.

"Our main objective is the well-organized, well-funded operator who moves hundreds of aliens every day," said Silvestre Reyes, chief patrol agent in the Patrol's McAllen sector. "We're not in a position to target anybody from the so-called Sanctuary Movement."

None of those who gathered behind Casa Romero for a rally on a hot, windy day shortly after the new indictments came down believes that anymore. Many had come from far away — New York, Minneapolis, Chicago, San Francisco — to reaffirm their support of Elder, Merkt, and a movement they feel is under attack from the just re-installed Reagan administration.

"The Administration might be thinking this is a good time to try a few cases selectively to show there's no broad base of support for the movement across the country," said San Francisco sanctuary worker Steve Knapp. "We're here to assure them that is not the case."

Though the movement has often been likened to the underground railroad of pre-abolition days, its work has been anything but secretive. Caravans containing Salvadorans and Guatemalans have crossed the country without fearing publicity. Those churches that have declared themselves sanctuaries have not been reluctant to admit it.

"This kind of outrageous behavior [by the Border Patrol] would be out of the question in Tucson," said Jim Corbett, the famed "Quaker Coyote" and one of the movement's founders. "It's clear they're targeting refugee services in the Valley."

The most pointed criticism of the government's actions has come from an increasingly vocal source, Bishop John Fitzpatrick, the soft-spoken, gray-haired leader of the Brownsville diocese, which owns Casa Romero. "It looks like a conspiracy on the part of the government to nail these people," Fitzpatrick said. "They weren't just caught. There was an organized effort, a plan, to get them. This is a case of selective prosecution."



Photo by Alan Pogue

#### Stacey Merkt

Fitzpatrick used \$27,500 of personal funds to bail Merkt and Elder out of jail. Without his intervention, Dianne Elder confided, her husband and Merkt would have remained in jail.

Contrary to a popular perception, Merkt, Elder, and the other sanctuary workers do not consider their acts civil disobedience because they believe the refugees have a legal right to be here. Their arguments are based on their interpretation of the U.S. Refugee Act of 1980, the United Nations Protocols on Refugees, and the Geneva Conventions. Pragmatically, of course, they know the government has a different interpretation (not to mention little intention of changing its Central American military policies), and for that reason it may be impossible for Merkt and Elder to honor one of the conditions set for their release — that they refrain from committing illegal acts. Whether they aspire to martyrdom or not, prison may be their inevitable destination.

Neither Elder nor Merkt has spoken about the charges since their release, when U.S. Magistrate William Mallett put a gag order on all parties to the case. But both issued statements following the indictments. Merkt's words suggest no potential for compromise between the movement and the government:

"What motivates me to help people and to work for justice is my belief in a God of life and love . . . I will persist. We United States citizens will have no excuse. We will not be able to say, 'I never saw, I never heard, I never knew,' that we set a house on fire and locked the door." □

*"John Henry Faulk  
faced the bastards  
and beat them  
down."* —STUDS TERKEL



## FEAR ON TRIAL

By JOHN HENRY FAULK

Noted humorist and radio-television personality John Henry Faulk recounts his own six harrowing years on the blacklist during the McCarthy era, his historic libel suit against the ultrapatriotic group AWARE, and Louis Nizer's relentless expose of the blacklist for what it was.

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## Salvadoran Violence

# Terrorism and Motherhood

By Mary Lenz

Dallas

**T**HE SMALL dark woman in the severe black dress, flat shoes and white lace kerchief didn't look much like a terrorist. She was barely taller than the podium at which she stood, talking about the night the men came to rape her, beat her husband, and attack her 12-year-old daughter, "biting her all over her body like mad dogs."

But Alicia de García and her fellow members of the Committee of Mothers and Relatives of Political Prisoners, Disappeared and Murdered in El Salvador are truly terrifying people.

They inspired so much terror in the U.S. Department of State that four of them were denied visas to the United States after they had been invited to accept the first Robert F. Kennedy Human Rights Award in Washington, D.C.

Speaking in Dallas, Dec. 12, de García said only she was able to get a visa because she lives in exile in Mexico and was at a conference in Argentina when she was asked to accept the \$30,000 award.

The story told by the 42-year-old nurse may explain why thousands of Salvadoran refugees have flocked here and to other Texas cities, where most live and work illegally. Volunteers who work with Salvadoran refugees here say her story is not unusual:

"Each of us has a very personal reason for being a member of the Committee of Mothers," de García said. "In 1978 they took my 14-year-old son. I was able to get my son freed alive, but there are many mothers who have no idea what happened to their children.

"In 1980, my oldest daughter was captured. She disappeared for eight days and she came back alive, but they had pulled out her fingernails and her toenails and had broken her teeth. In 1981, my two brothers, aged 17 and 19, were disappeared [an active verb in Latin America]. One was killed and we still don't know what happened to the other one. I also was a victim of torture,

wounds and violation. On October 9, 1981, 20 men came to my house from the Death Squad."

That was the night Alicia de García was raped in front of her children. The rifle butt shoved inside her caused so much internal damage she is in danger of losing a kidney, according to Father Patrick Rice, executive secretary of the Latin American Federation of Families of the Detained and Disappeared, who accompanied her to Dallas.

"We were saddened that the State Department decreed those women were a threat to the national security of the United States," said Father Rice. But, he added, victims of violence "are a threat to any nation in the world which thinks it can solve its problem through bullets and through bombs."

"I want you to understand," de García said, "that this is what the men of [right-wing leader] Roberto D'Aubuisson do. This is not an isolated incident. It happens to many families and in the end they are usually machine-gunned. All segments of our society — students, teachers, the Christian community, doctors — have been victims of repression, assassination and disappearance."

De García finds it ironic that members of the Committee of Mothers were denied visas, while D'Aubuisson, believed by many people to be an active Death Squad leader, was welcomed to the United States in early December.

She said one of the women was probably denied a visa because she had torture scars to prove what she said was true.

Meanwhile, publicity in El Salvador over the State Department allegations has put their lives in danger. "We have been concerned about that all along," said Sue Vogelsinger, a spokesperson for the Robert F. Kennedy Human Rights Award in Washington, D.C. "The State Department has chosen to make public allegations they seem to be unable to prove. I would certainly think that might encourage whomever [to think] that the women should perhaps be done away with."

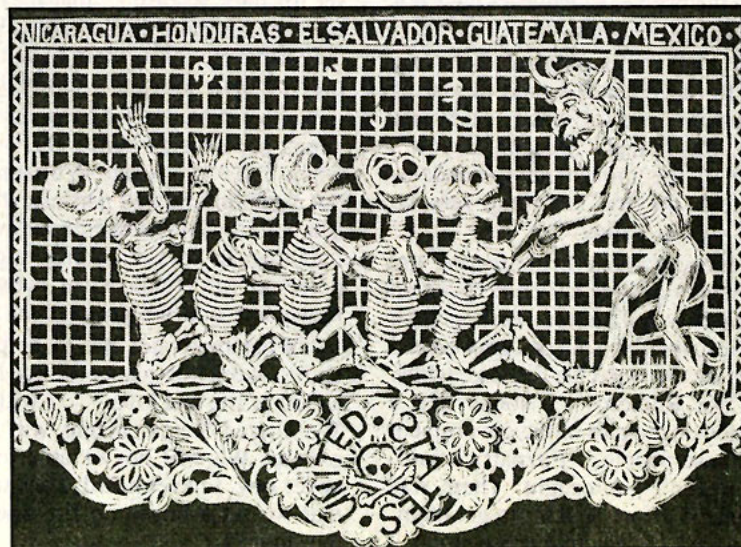
Vogelsinger said the State Department has presented no evidence to back their claims that the women are terrorists. "They are what they claim to be, a group of women who had been working for the cause of human rights in that country," she said.

De García said representatives of the 500 member Committee of Mothers gather each week on the steps of San Salvador's main Cathedral to read the latest list of victims of the violence, which has claimed 49,000 lives in the past five years. They distribute food to families of victims and try to care for orphans.

The Committee was founded in 1977 under the guidance of Archbishop Oscar Romero, assassinated in 1981. It sides neither with the left nor the right. But Alicia de García says that U.S. military aid to the Salvadoran government is only making the situation worse.

Since the election of President José Napoleon Duarte, "it is said that there is a change. I would say there is a change in the way people are being killed," De García said. "Before, when people were taken away, it was by men in military uniform. Now it's being done by Death Squads in civilian clothes." □

Former Observer staffer Mary Lenz writes for the Dallas Times-Herald.



"History" by Eric Avery

# The U.S. Hand in Nicaraguan Elections

By Mike Conroy

**O**N NOVEMBER 4, Nicaragua elected a president, a vice president and 96 representatives to a National Assembly. Several weeks before the vote actually took place, the Reagan administration declared the elections a "farce," claiming that they were little more than Soviet-style, one-party travesties of the democratic process. I was part of a large, independent group of Latin American Studies scholars from the U.S., including four university professors from Texas schools, which traveled to Nicaragua to observe the elections. The report by our group, a recently-released publication of the Latin American Studies Association (LASA), disagrees dramatically with the administration's characterization. It also provides documentation of U.S. interference in those elections, designed, apparently, in an attempt to produce precisely the kind of election the U.S. had condemned in advance.

Few people in the United States know what the results of the Nicaraguan election were, for the reports of the results were crowded from the media by the Administration's announced "new fears" that there were MiG fighters enroute to Nicaragua in a Bulgarian freighter. For four days the only references to Nicaragua that one heard or read were speculations on the contents of large crates that had "disappeared" from a Bulgarian port and ruminations aloud that the U.S. might have to bomb them off Nicaraguan docks if they reappeared there. There were no MiGs; and the political cartoonists had a field day. But the Administration had accomplished a remarkable manipulation of the national media, pre-empting all coverage of the Nicaraguan election returns, including

*Mike Conroy teaches economics at UT and is co-director of the Central America Resource Center, a non-profit, tax-exempt organization in Austin that is not affiliated with UT. Copies of the full LASA report are available for \$3.00 from the LASA Secretariat at UT or from the Central America Resource Center, P.O. Box 2327, Austin, TX 78768.*

most of the reports by groups of observers such as our LASA delegation.

The Latin American Studies Association is not exactly your run-of-the-mill gang of pro-Sandinista dupes. It is the largest international association of Latin American Studies scholars in the world. Headquartered at UT-Austin, LASA has a total membership of 2600, composed of professors, writers, jurists and diplomats, 80% of them in the U.S. The mandate given to the delegation was to conduct a general fact-finding mission around the electoral process. The 15 members of the delegation were deliberately selected so that it would not be dominated by either Nicaragua specialists or supporters of the Sandinistas. The outcome of the delegation's visit was not pre-determined.\*

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## *Reports of election results were crowded from the media by stories about MiG fighters.*

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The delegation spent a total of eight days in Nicaragua, from October 28 through November 5, working 14-16 hour days to investigate every major criticism that had been raised by any critic of the process. We traveled freely in a rented microbus, visiting two of the war zones, Matagalpa and Puerto Cabezas. We interviewed representatives of every major political position, combed through the records of the National

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\*The group was headed by Wayne Cornelius, president-elect of LASA, a political scientist at the University of California at San Diego and director of its Center for U.S.-Mexican Studies. The three Texans in the group besides the author were: Richard Sinkin, a San Antonio native, history professor at UT, and Mexico scholar who is Executive Director of LASA; Michael Dodson, a political scientist at TCU who is widely respected for his work on the troubled relations between church and state in Nicaragua; and John Booth, a government professor at North Texas State, graduate of UT, and the author of one of the most readable and informative histories of the Nicaraguan revolution.

Electoral Commission, talked with a variety of foreigners, including personnel from the U.S. embassy and U.S. and European journalists. The official sources were supplemented by dozens of informal interviews with people on the streets. (Every member of the delegation spoke Spanish.) On election day we fanned out to cover more than thirty polling places in nine different towns and cities, arriving unannounced and receiving full cooperation because we carried "Official Observer" credentials.

Voting in the election was not required by law, but 75% of the registered voters cast their ballots. The Sandinistas, members of the FSLN party that led the 1979 insurrection which overthrew Somoza, won "only" 67% of the valid votes cast. Twenty-nine percent of the votes went to three parties that were to the right of the FSLN; and another 3.8% were divided among three parties distinctly to left of FSLN. The opposition won 37% of the seats in the assembly, a larger proportion than their share of votes because of the tilt of the electoral process toward small opposition parties.

The characterizations of the electoral process that follow are drawn directly from the final report and represent the unanimous conclusions of the group. The objections to the election by its critics often take the form of questions based on stereotypical impressions. Let's look at five questions of that sort.

*Weren't these just "phony" elections trumped up to create a veneer of democracy?*

The Sandinistas announced in 1980 that there would be elections within five years, i.e., by 1985. The process of creating the legislation for the elections involved the government and all of the opposition parties over the course of more than two years. Before, during, and after the campaign, the Sandinistas made major concessions to opposition forces on nearly all points of contention. The National Electoral Commission drew upon consultants from the Swedish electoral college in the design of the elections. It conducted a remarkably successful voter registration drive in July, registering 93.7% of the estimated voting-age population. The system of representation built into the electoral law provided for proportional representation rather than single-member districts. That meant that opposition groups had the greatest possible opportunity to elect members to the constituent assembly, for they were given seats in each district in proportion to the vote that they received. (The final election results

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suggest that single-member districts would have given the FSLN a virtual monopoly on the government; under proportional representation they received only 61 of 96 seats, less than two-thirds.)

The electoral law provided a broad array of protections to assure fair access, procedural honesty, and an accurate vote count. The actual voting process was meticulously designed to minimize potential for abuses. The vote was truly a secret ballot, and it was generally perceived as such by the voters. It was the observation of the delegation that the entire election evolved as part of an "open-ended" process of negotiation between the government and the opposition, a process that continues now, after the elections, in the form of a "national dialogue" with *all* forces in the country other than the "contras," including those that chose not to run in the elections.

*But weren't major opposition groups "excluded" from participating?*

That has been a persistent State Department claim. A close inspection of the platforms of the seven parties on the ballot reveals that the Nicaraguan voter had a wide range of options on major issues — considerably wider, for example, than in recent elections in El Salvador and Guatemala. No major political tendency in Nicaragua, in fact, was denied access to the electoral process in 1984.

Because Arturo Cruz and his "Coordinadora" coalition — the Department of State's publicly preferred candidates — did not participate, the elections were supposedly illegitimate and uncompetitive. We talked with many people close to the Coordinadora decision-making process; and we compiled a chronology of the events leading

to their final decision not to run. Cruz spent the last several weeks before the election in Washington, participating in staged media events at the White House and the State Department to criticize the elections. In Nicaragua, given his absence, we interviewed his erstwhile running mate, Adan Fletes, the president of the Social Christian Party.

When you review the record, it is difficult to suggest that their refusal to run was the result of FSLN intransi-

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*The evidence suggests  
the Coordinadora  
never intended to run  
in the 1984 elections.*

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gence. In fact, the FSLN had agreed to all of the demands presented by the Coordinadora at a meeting in Rio de Janeiro on October 1st and 2nd. That meeting was mediated by Willy Brandt and Carlos Andres Perez of the Socialist International. But Cruz then balked and said his supporters in Managua needed more time to reconsider.

The overwhelming weight of the evidence available to us suggests that the Coordinadora did not, in fact, intend to run; it chose, instead, to pursue its political goals in 1984 outside the electoral process. In fact, Cruz openly associated himself with the "contras" in an October 30 press conference in Washington; and he had previously traveled to Western Europe in support of Eden Pastora's ARDE counterrevolutionaries in Costa Rica.

*But didn't press censorship keep the opposition from presenting its case to the electorate?*

It is important to recall that there was relatively little censorship in Nicaragua until March 1982, when the government declared a "state of emergency" in response to the escalation of "contra" activities. Most of us have criticized the subsequent censorship, even when it could be justified by the wartime conditions that U.S. policy has created in Nicaragua. Censorship was virtually eliminated during the electoral campaign, from August 1 to November 4. After reviewing the access that the opposition had to the press, to the radio, and to TV, our delegation concluded that the censorship did not seriously restrict the freedom of speech of the candidates from all parties or their ability to take their message to the populace.

Indeed, the access that they had to the media was unparalleled in recent

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Latin American electoral history. Each party was given 15 minutes per day of free, uninterrupted television time (a total of 22 hours per party over the three-month campaign); each party also had 44 hours of free radio time on the public radio stations. There was no censorship of any electoral campaign material on any of the 39 private radio stations in the country; and the opposition newspaper, *La Prensa*, was full of uncensored vitriolic attacks on the government, including hundreds of pages of full-page attacks by the conservative parties that participated in the elections.

*But didn't the Sandinistas bust up opposition rallies and intimidate their opponents?*

There is no doubt that the opposition parties had some basis for their complaints that hooligans were disrupting some of their earliest rallies. But the conclusions we reached by reviewing every complaint filed by all parties with the National Electoral Commission and by interviewing both opposition party leaders and foreign journalists present through the whole campaign were twofold: the Electoral Commission succeeded in putting a halt to these actions very early in the campaign, and the vast majority of all of the opposition rallies were carried out without disruption by pro-FSLN demonstrators or by other kinds of government interference.

*But wasn't the entire election manipulated?*

The LASA delegation concluded, in fact, that there had been unacceptable attempts to manipulate the election; but those attempts originated, regrettably, in the U.S. embassy. For most of the nearly 300 international observers from Western Europe, the U.S., and Latin America, the most outrageous dimension of the electoral process was not the Sandinista treatment of the opposition. It was, in fact, the manner in which the U.S. embassy openly attempted to convince and coerce opposition parties to withdraw from the elections so that only the Sandinistas would be left. One Swedish parliamentarian suggested to me that if U.S. officials had acted similarly in Sweden or in any Western European country, they would have been expelled from the country.

In the Nicaraguan election the U.S. embassy put pressure to withdraw on all of the opposition parties to the right of the Sandinistas. Clemente Guido, the presidential candidate of the most conservative of the three, reported (on tape provided to the delegation and independently confirmed) that he had been

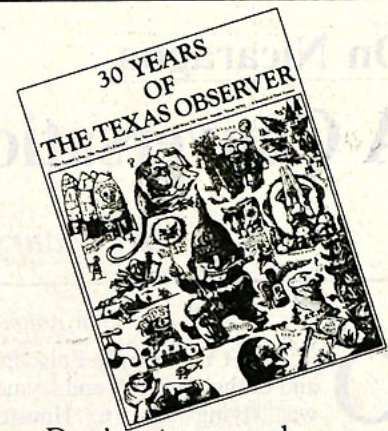
offered money for his party if he withdrew. When he refused, he said, his campaign manager was offered a bribe by a representative of the embassy to get him to resign from the campaign; the campaign manager did resign.

Virgilio Godoy, according to most estimates the strongest of the opposition candidates, was visited by the U.S. ambassador to Nicaragua, Harry Bergold, and by the political counselor of the embassy, J. Michael Joyce, on the day before he decided to attempt to pull his party out of the race. But after he announced his withdrawal from the race, leaving most in the U.S. believing that his whole party had pulled out, his vice-presidential candidate and a majority of the party's candidates for the National Assembly decided to stay in the race. The party received 9.6% of the popular vote and elected nine representatives to the Assembly. Godoy told us, in an interview on November 5, that he had also been visited in the weeks before his decision by the U.S. Assistant Secretary of State for Inter-American affairs, Langhorne Motley, and by the U.S. Special Envoy for Central America, Harry Schlaudeman. Both had urged him to withdraw from the race.

It was the conclusion of our delegation that the principal lamentable manipulation of these elections, even in the context of some potential abuses of incumbency by the Sandinistas, was the unconscionable interference by the Reagan administration.

Upon reviewing the whole course of U.S. conduct with respect to the Sandinista government, and after extensive discussions with U.S. diplomats in Central America, the LASA delegation concluded that there is *nothing* that the Sandinistas could have done to make the 1984 elections acceptable to the U.S. government.

No one would claim that the Nicaraguan elections, in their totality, represented an unmitigated ideal. But it was my personal conclusion, as well as that of the rest of the members of the delegation, that the Sandinista government of Nicaragua did confront the fundamental test of democratic governments: it organized and conducted fair and open elections in which all the opposition that wished to run was allowed to run. It tallied the results fairly and accepted them, even though the results indicated less enchantment with their rule than they had predicted. This government now deserves the recognition of its legitimacy that such elections convey.



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## On Nicaragua

# A Conversation with Jefferson

By Maury Maverick, Jr.

San Antonio

**O**UR PARTY of mostly Episcopal and Catholic priests and laymen was flying back to Houston from Nicaragua, the sound of combat still in our ears. Exhausted from it all, I fell asleep on the airplane only to have Thomas Jefferson appear in my dreams.

"Maury," Mr. Jefferson began, "when James Madison and I were old men approaching death, we formed the Ex-presidents Club, where the two of us had grand discussions regarding the republic. Now, in the hereafter, sitting on a beautiful pink cloud provided by St. Peter, we continue to talk about the great issues of the day. In fact, I will be meeting with Madison in an hour or so and would like to tell him what you've observed of the Nicaraguan revolution. So I have some questions for you."

"Go ahead, Mr. Jefferson."

"No, wait a minute, Maury. I want you to first consider words I wrote about revolution, something all Americans should consider in evaluating Third World countries having their revolutions as we had ours against England. I said, 'What country ever existed a century and a half without a rebellion? And what country can preserve its liberties if its leaders are not warned from time to time that this people preserve the spirit of resistance? Let them take up arms.'"

"Mr. Jefferson, that same radical thought is expressly set forth in our Texas Constitution. It is something that needs to be read at luncheons of the San Antonio Chamber of Commerce and once a month to FBI agents. Go ahead with your questions, Mr. Jefferson."

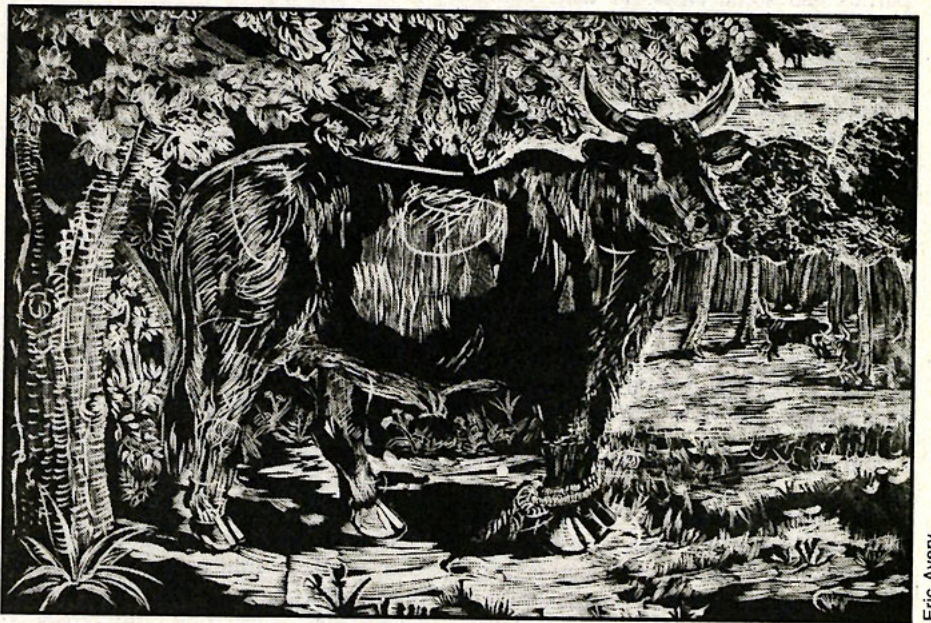
**Q.** Was the Nicaraguan revolution disruptive?

**A.** Of course, it was disruptive, but not as much as the American Revolution.

*Maury Maverick, Jr., participated in a tour of Honduras and Nicaragua in early November. The group met with representatives of all sides in both countries. This article is reprinted with Maverick's permission from his series about the tour, which appeared in the San Antonio Express-News.*

If you will read "The Loyalists" in the April 1975 issue of *National Geographic*, you will find the following comment:

"Modern experts estimate that after the Declaration of Independence about 500,000 Americans — one in every five — could be classified as loyalists: those who remained loyal to the king and who opposed separation from England.



"Nicaragua"

For nearly 100,000 loyalists, the price of allegiance was exile. They were the uprooted, the banished, many of them forbidden to return upon penalty of imprisonment or death.

One hundred thousand of the Colonial population of 2½ million: Today a proportionate exodus would depopulate almost the whole of North and South Dakotas, Nebraska, Kansas and Minnesota."

**Q.** What will happen in the United States if the U.S. military invades Nicaragua?

**A.** Mr. Jefferson, when as a lawyer I first started representing young objectors to the Vietnam War, before Gerry Goldstein and Leonard Schwartz were out of law school, there was not a single organization in the country other than the Quakers that was dedicated to friendship with Vietnam. It took years

for the days of the "great rage" to come about.

## Contingency Plans

Today there are more than 800 organizations in our country directly concerned with Central America. There are contingency plans in hundreds of big cities of America, including San Antonio, to occupy offices of congressmen, to non-violently disrupt the federal courts, and on and on.

I want to look any federal judge in the eye after he has sent 10 Catholic priests and nuns and Methodist preachers, grandmothers and young girls to the penitentiary.

**Q.** What will happen in Nicaragua if we invade?

**A.** Well over 100,000 rifles have been distributed to the civilians of Nicaragua. They are ready to die, and they will take thousands upon thousands of our young men with them defending their own soil. Sir, they will die like tigers, like the Texans did at the Alamo.

**Q.** What about American soldiers this minute in Honduras?

**A.** Our government is lying to us about the extent of it. What's more, there is a special scandal involved that I saw with my own eyes: the Jim Crow soldiers we have there, blacks, browns and poor whites. This is a scandal that can be mostly laid at the feet of liberals who do not insist on an honest draft.

I say, Mr. Jefferson: one combat coffin Sidney Lanier High School; one coffin Alamo Heights High School; one coffin Martin Luther King Avenue; and one coffin Terrell Road.

Eric Avery

**Q.** Who impressed you the most in Nicaragua?

**A.** The women. Elderly nuns taking care of children whose parents had been killed by contras financed by the Central Intelligence Agency. Young women, with flashing black eyes, going out on combat patrols as radio operators. Librarians doing the dreary research that a nation must have to survive. The women were magnificent.

**Q.** Are Protestants helping the revolution?

**A.** Yes, they are all over the country. Especially Moravians, Baptists and Episcopalians. The Protestant who impressed me most was a Presbyterian missionary, James Goff, who has a San Antonio background. When he comes to the United States he preaches mostly on the West Coast. I hope local Presbyterians will invite him to talk; Goff is a straight arrow.

**Q.** Are there any communists in Nicaragua?

**A.** Yes, but not nearly as many as in China, with which Richard Nixon had the good sense to make a deal. I do not think they will be a big factor if we do not drive Nicaragua into the arms of the Soviet Union as the Kennedys did with Cuba.

### *Have and Have-not*

**Q.** But isn't the fight between Catholic and communist?

**A.** No, the fight in Nicaragua is essentially between Catholics — between the have and have-not Catholics. It is between the Catholic of liberation theology and the Catholic more concerned with sin than with justice for the poor.

**Q.** Doesn't it worry you that priests are holding positions in the government?

**A.** Yes, it does. And I agree with Sturdy Downs, the black Episcopal bishop who approves of the revolution but says there must be a separation of

church and state.

I believe that within a reasonable time after the elections, priests such as Miguel d'Escoto, the foreign minister, will either resign from the priesthood or return to it full time.

**Q.** What is the single smartest thing the Nicaraguans are doing in their dealings with Americans?

**A.** Many have been educated in the United States. They have our Christian religion and European heritage. They like our music, our baseball and our products. And they will like us, too — the plain people — if we let them.

They have as sharp a sense of public relations as I have ever seen. It is as good as Madison Avenue. And so the single smartest thing they are doing with us, something the Vietnamese could not do because of contrasting cultures, is to communicate with us. And with the western world, which they will turn against if we invade Nicaragua. □

## Conservative Opportunity Society

# South African Opportunism

*By James Ridgeway*

*Washington*

**O**N DECEMBER 5, thirty-five conservative House Republicans, many of them New Rightists, stunned the capital city with an open letter to the South African ambassador threatening to support economic sanctions against his nation unless there was an immediate end to the current violence and "willingness to move more progressively and aggressively towards real human rights reforms." The letter underscored the swiftly changing conservative politics that now dominate Washington.

The idea for the letter originated in the Conservative Opportunity Society, the group of 15 New Right conservatives in the House, whose most prominent member is Newt Gingrich of Atlanta. It was drafted by Robert Walker of Pennsylvania, who consulted with members of the Black Caucus before releasing it.

Walker's letter was startling because it almost seemed to be a defection to the liberal camp on the issue. It says:

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*James Ridgeway's columns on the Age of Reagan are a regular feature of the Observer.*

"We are for the most part politically conservative, and as conservatives recognize all too well the importance and strategic value of South Africa. We understand the need for stability both within the internal affairs of your country and your external relationship with the United States. But precisely because we do feel strongly about our mutual interests, we cannot condone policies of apartheid which we believe weaken your long term interests and certainly our ability to deal with you in a constructive manner."

The letter goes on to warn that unless "real steps toward complete equality for all South Africans" are soon undertaken, the signers will recommend that the U.S. government "curtail new American investment in South Africa" and if necessary "organize international diplomatic and economic sanctions" against the country.

The New Right initiatives upstaged subsequent efforts by mainline Republicans to join the anti-apartheid bandwagon. By the weekend, Senator Richard Lugar, the new chairman of the Foreign Relations Committee, and Nancy Kassebaum, chairman of the Senate subcommittee on Africa, had sent a private letter to President Reagan

urging greater diplomatic efforts to press for change in South Africa, but shying well clear of sanctions.

**O**N THE MOST superficial level, Walker's letter is part of the parliamentary guerrilla warfare waged so successfully by Gingrich and the other members of the Conservative Opportunity Society. Their aim is to project an unconventional firebrand image in Congress and, in the process, build a far broader political base than anything hitherto envisioned by conservatives. Blacks are a central target of this new campaign.

Opportunism runs pretty close to the surface here. One need only remember that a few months ago Gingrich created a scene in the House when he accused Tip O'Neill and other leading Democrats of being soft on communism for refusing to fully support U.S. allies in the Third World. Now, in conservative terms, what nation could be a more deserving ally than South Africa?

Some conservatives reason that an open declaration against apartheid is politically advantageous because it deflects criticism that the right is essentially racist. Abroad, it frees the New Right to pursue an ever more vigorous advocacy of anti-Communist freedom fighters in such places as Mozambique, Angola and Namibia. South Africa is the base for these struggles. And at home, it may provide some slight cover for conservative efforts to cut social spending, which disproportionately hurts minorities.

The anti-apartheid letter represents a

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drift toward pragmatism by the right, which correctly sees itself on the threshold of greater national political power.

Notwithstanding Walker's spirited challenge, the right in its broadest sense remains dependent on the underlying structures of apartheid, which with its low wages and onerous conditions provides some of the highest profit rates anywhere. For example, more than 21 leading U.S. corporations provide funding for the American Legislative Exchange Council (ALEC), a New Right organization which, among other things, fights divestment in South Africa. These corporations include DuPont, Exxon, Eli Lilly, Olin, Pfizer, Coors, and Readers' Digest. ALEC has been a vehicle for Gingrich and members of the Conservative Opportunity Society in other endeavors: one of its major purposes is to extend conservative influence over state legislatures.

South Africa's mineral wealth has by now reached truly mythic proportions and has become a kind of holy grail in the war against the Soviets. Indeed, South Africa and the Soviet Union are rich in many of the same precious and strategic metals. And since the onset of the Cold War, the nations of the western world have deliberately cultivated South Africa as a mining reserve to be used against the Russians in times of trouble.

The Soviet Union and South Africa are the world's largest producers of manganese, which is essential in the manufacture of steel. The great bulk of South African manganese is exported to the West. Were these supplies to be peremptorily shut off, there would be serious repercussions in the U.S. steel industry. Manufacture of stainless steel, vital to the armaments and aircraft industries, requires chrome. Once again South Africa and the Soviet Union are major producers. Shutting off chrome, so the argument goes, would leave the West to the mercies of the Soviets. More to the point, it would inconvenience companies, such as Union Carbide, which make ferrochrome in South Africa.

South Africa is the world's third largest producer of uranium and equals the Soviet Union as the largest producer of platinum. Platinum is used in the manufacture of catalytic converters in auto exhaust systems and as a catalyst in oil refining, in which it helps to upgrade the octane value of gasoline, substituting for poisonous lead. Thus, in its efforts to curb air pollution from automobiles, the U.S. has become increasingly reliant on South Africa.

Finally, South Africa is the world's largest producer of gold and diamonds. With gold, the paradoxical link to the Soviet Union once again becomes evident. It requires only a bad harvest in the Ukraine for the Soviet Union to sell its gold and platinum to earn foreign exchange to buy grain abroad. The interrelated South African mining companies have considerable influence elsewhere in the world. Anglo American Corporation of South Africa is affiliated with mining ventures in Canada and owns Engelhard Minerals Co., the largest precious metals company in the world. It is based in the U.S. The Rothman/Rembrandt Group, the third largest corporation in South Africa, accounts for one of every 12 cigarettes sold in the non-Communist world, owns breweries, including Carling, and tobacco firms including Dunhill.

*The Right, in its broadest sense, remains dependent on the underlying structures of apartheid.*

When it comes to strategic metals, U.S. dependence on South Africa turns out to be largely a function of trade and profit. Manganese is abundant throughout the world and is found in especially large deposits in Brazil and Australia. The largest manganese mine is in Gabon. In addition to the Soviet Union and South Africa, platinum is found in substantial quantities in Canada, where it is produced as a by-product of nickel. Zimbabwe has large, though declining, reserves of chrome, and there are smaller, often lower-grade deposits in such places as Pakistan, India, Turkey, Greece, and the Philippines.

In theory, the U.S. is compelled to obtain supplies of strategic metals from South Africa, lest it become dependent on the Soviet Union. In practice, the U.S. has avoided the domination of the Soviet Union only to become dependent on South Africa and its vicious apartheid system.

With such deep-seated structural ties, it came as no surprise late last week when major U.S. companies with business interests in South Africa met in Washington to devise a strategy for blocking sanctions and countering the impact of recent demonstrations. Given the stakes involved, the room for political opportunism by Gingrich and others is pretty slim. □

## Taming the River, Part Two

# Enter Lyndon Johnson

By Anthony M. Orum

*This is the second part of Anthony Orum's two-part article on the making of modern Austin. Part One appeared in the December 14, 1984 Observer.*

— Ed.

OVER THE COURSE of 1935 and 1936, the work on the construction of the dams proceeded. The properties at the Buchanan Dam site were purchased by the Colorado River Authority from the Colorado River Company and Mr. Malott. Funds still owed to the companies that had undertaken some early construction work, Fargo Engineering and Fegles Construction, also were paid off. It is not clear whether Ralph Morrison actually made a substantial profit from his investment in the Colorado River Company, but some participants, such as Beverly Randolph, claim he did. Even Alvin Wirtz seems to have cleared a handsome sum. Once these transactions were completed, the actual work at the dam site began. Among other contractors hired to do work were the Brown and Root Construction firm, owned by Herman and George Brown, of Austin and Houston, respectively. They received a contract to clear 26,000 acres of land that eventually would constitute Buchanan Lake. The relief funds were put to use, as over 1,000 men were

*Anthony M. Orum is Professor of Sociology, UT-Austin. This article is excerpted from his book-in-progress, a social and political history of modern Austin. Funding for research for the book provided by the University Research Institute of UT. The author is particularly indebted to the encouragement and support of Dean William Livingston. He also thanks Audray Bateman and her extraordinarily helpful staff at the Austin History Center, the staff of librarians at the Lyndon Baines Johnson Library, especially Linda Hanson and Nancy Smith, and the staff of librarians at the Barker History Center of UT. This chapter is also based on a number of personal interviews conducted by the author.*

employed on the construction work. Work proceeded as well on the site just below Buchanan, the Roy Inks Dam, which would furnish additional hydroelectric power and be one of the several dams envisioned to straddle the Colorado above Austin. Altogether things were moving smoothly. Until Monday, February 22, 1937.

On that day Congressman James Buchanan died of a heart attack. Tom Miller eulogized him as a man of "infinite patience; gentle yet having a balancing force which in a quiet way overcame every obstacle in his path." More than anything else, the death of Buchanan portended a blow of potentially deadly force to the consummation of the dams. Miller, Long, Wirtz, the Colorado River Association — all had been of signal importance to creating the social and political architecture for the dams. But it was Buchanan who had carried the ball with Roosevelt, the PWA, and even the Texas legislature during the crucial period in late 1934. Miller gave voice to those fears when he said, "We in Austin are going to feel his loss to a greater degree perhaps than any other part of the country. He was responsible for the Colorado River Authority being created and for erection of Buchanan dam, Inks dam, and Marshall Ford dam which was dedicated last Friday."

With Buchanan gone, the race was on to fill his seat. On February 28, Lyndon Johnson became the first person to announce for the position. Already the young man from the Hill Country had built a fine reputation in Washington, where for a time he served as secretary to Congressman Richard Kleberg, scion of the King Ranch family. As an aide to Kleberg, Johnson had learned much about how things were done on the Hill, and, in the words of Creekmore Fath, "ran a beautiful office." In the winter of 1937, Johnson was back in Austin, serving as state director of the National Youth Administration. Other people besides Johnson flocked to the race. Some suggested that Buchanan's wife run for the seat, but

she declined. Others suggested Tom Miller. But Miller was perceived by many people as having qualities unsuitable for Washington. As Edward Clark remembers it, people thought that Miller simply was better at oratory and handling the local politics in Austin than he would be in the complex vagaries of the Washington scene. State Senator Houghton Brownlee threw his hat in the ring. And so did Polk Shelton, an Austin lawyer.

The campaign was a contest in which Franklin Roosevelt's policies were put to the test. The New Deal had suffered some setbacks in Washington, and it seemed that the Supreme Court was determined to scuttle the ship of state. Johnson decided to run his campaign on behalf of the New Deal and FDR. He supported the President's plan to enlarge the Supreme Court, a plan that had created controversy across the land and which many people in Austin and central Texas decried. In the course of the race, Shelton came out in strong opposition to the Roosevelt plan. When the votes finally were counted on April 10, Johnson had won a decisive victory. He tallied 8,068 votes compared to his nearest rival, Merton I. Harris, another supporter of the Roosevelt plan, who had won 200 votes short of 5,000. Polk Shelton came in third, with just over 4,000 votes. Johnson was on his way to Congress.

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***With Buchanan gone, the race was on to fill his seat. Lyndon Johnson became the first to announce for the position.***

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In Austin, the victory of Johnson was seen as a victory for Roosevelt. It also was seen as a victory for central Texas, inasmuch as Roosevelt's influence seemed so crucial to the completion of the dams. On the day results were announced, Marsh's *Austin American*, ever the faithful supporter of the New Deal — and decried as such by Brownlee during the course of the campaign — wrote, "the voters verdict was seen as a strong endorsement of the Supreme Court reform in this, the first expression by voters on the issue since it came up. The court issue was pressed as the main issue of the race with the completion of the \$20,000,000 Colorado river program, a Roosevelt undertaking, at stake."

Johnson's key supporters included many of the people who were so actively

pushing the completion of the dams, and who had worked so intimately with Buchanan. Even though he urged Johnson not to run, because of his youth, when Johnson did decide to enter the race Alvin Wirtz became a strong backer. Indeed, Wirtz initially had approached Tom Ferguson about the position, but Ferguson declined. E. H. Perry was another important backer of Johnson, and provided some key financial help. And A. J. Eilers, a local businessman of some prominence and wealth in Austin, figured as a significant Johnson financier, too. All these men, of course, wanted to see the work on the Colorado completed, and all now hoped that Johnson would see to that task.

When Johnson arrived in Washington, he was besieged almost immediately by his Austin associates, friends and connections with requests to get the funds necessary to complete the Austin Dam. Within six weeks of the election, Tom Miller had been to Washington and in touch with Johnson, as well as with PWA officials to see what could be done to complete the Austin Dam. That structure now had stood unfinished for almost forty years, and people were beginning to wonder whether it ever would be rebuilt. Miller and other citizens hoped to prevail upon the freshman Congressman and the Colorado River Authority to get federal funds. It was at this moment that Miller wrote Johnson professing his willingness to strike a bargain: "As I stated to you, I have no ambition to be congressman from the Tenth District, and I will support you next year if you use the ability I know you possess for your district." But others prevailed on Johnson, too. Dr. Goodall Wooten, President of the Austin Chamber of Commerce, wrote on behalf of his organization and pleaded, "Since 1888 when plans first materialized for a dam at Austin this city has been very much interested in building this dam here at Austin." And so, too, did Commodore Perry, who impressed on Johnson the need to negotiate an arrangement between the Colorado River Authority and Austin, one that would permit the City to retain its control over the Austin Dam even after its completion.

In the next several months, Johnson displayed his political acumen and his ability to learn the rules of politics swiftly. Over the summer months, he was able to help negotiate a contract between the Colorado River Authority and Austin. Both came out winners. The Authority required control of the Austin Dam because, in the words of its chairman, Fritz Engelhard, its revenues

"are all pledged to PWA for the loan, and bonds are already issued against them." In turn, the City and Tom Miller wanted to retain control of their own municipal power plant and flood control system, something they had retained in their hands since the turn of the century. The final agreement struck, permitting the Authority to lease the dam from the City for a 40 year period, during which time in return it would receive a certain amount of power for no cost. The bargaining was intense and fierce, feelings of both parties were aroused, but ultimately an accord was reached. And Johnson, whatever his faults, had won supporters to his side in Austin. It would be the first of his many successes for Austin and one for which he was fully prepared to take sole credit.

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*Johnson was able to help negotiate a contract between the Colorado River Authority and the City of Austin.*

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**T**HERE WERE two more dramas to be played out before control of the river was complete. One has to do with the Marshall Ford dam. Originally, it was thought, Buchanan Dam and Inks Dam, just below it on the Colorado, would prove sufficient for flood control purposes. Another major flood took place, however, in June 1935, one that made engineers reconsider their earlier estimates. The flood swept down the Colorado in its usual deadly manner and left Austin, as many other areas, devastated. Flood waters in Austin were particularly memorable. The river spread across its banks and moved with an almost relentless force into residential areas and the nearby business district. Residents alive at the time still remember the flood as historic because it spilled across Congress Avenue, reaching the interior of a famous restaurant on the south bank, the Night Hawk. In other places, too, along Fifth and Sixth Streets, the flood brought terrible destruction, uprooting trees and homes and, with it all, families as well. Pictures of the waters show that even whole houses were washed away. Sim Gideon, then a law partner of Alvin Wirtz, recalls that the water backed up the sewer systems, and the disarray was so terrible that he had to send his wife to San Antonio. To these people who had created designs for a flood control system on the Colorado, this event told them one thing: the river had yet to be tamed. The most savage and turbulent

waters had entered the Colorado below the site of Buchanan Dam, from the Pedernales and Llano rivers, and thus Buchanan Dam would obviously do nothing to halt such floods in the future. More dams, more kinds of controls, would have to be erected on the Colorado.

As a result of the 1935 flood, and floods later in 1936, the Department of the Interior revised the plan for the dams, making a dam at the Marshall Ford site into the chief flood control device. These revised plans, it appears, first came to the attention of Congressman J. J. Mansfield in 1937 just shortly after the death of Buchanan. In a letter to Mansfield, John Page, Commissioner of the Bureau of Reclamation, noted that the revised plan for Marshall Ford led to two major alterations. The Bureau of Reclamation, he wrote, now will devote the funds allocated to it by the PWA loan and grant of \$20,000,000 to work on the Marshall Ford Dam. Five million of these funds had been given to the Bureau, another \$4,500,000 had been given as an outright grant to the Authority, and the remaining \$10,500,000 were in the form of a loan to be repaid through revenues. Page also noted that full flood control of the river only could happen if a higher structure were to be erected at the Marshall Ford site, one fully 75 feet higher than the original low dam. He writes to Mansfield:

The estimate by the Lower Colorado River Authority of the cost of constructing the project was given as \$20,000,000 at the time the allotments were made in 1935. Studies by the Bureau of Reclamation have disclosed that works to provide flood control, in addition to irrigation and power development, cannot be constructed for this amount. The Marshall Ford dam, to provide adequate flood control benefits and also supply water for irrigation and power, should be built to a height of 265 feet, instead of 190 feet as now proposed. The low dam was chosen to be constructed, with provision for raising the dam at a later date, in order to more nearly stay within the \$20,000,000 estimated cost of the project.

Looking back upon the floods that have occurred in recent years (June 1935 and September 1936), it is found that with the low dam the floods could not have been reduced to any appreciable extent regardless of the need for such reduction in the heavily flooded river downstream. If the high dam had been in place, complete control would have been obtained. . . .

Page went on to say that the estimated cost of the high dam would be a little over \$20,000,000 whereas that of the

low dam would be about \$11,500,000. In the spring of 1937, the government was eager to curb its spending on domestic projects, like that on the Colorado, and while Page urged that an additional \$5,000,000 be secured for 1938, it also was known at the time that such a sum could be the last to be obtained for a while. In light of the government studies, obviously it would not be enough.

Mansfield and, to a much lesser extent, Johnson, were effective in the summer of 1937 in procuring the additional \$5,000,000 necessary to complete the low Marshall Ford dam. Johnson let his constituents know, too, of this success. On July 21, 1937, he wired Tom Miller that he had just secured Roosevelt's approval of an additional \$5,000,000 in PWA funds to complete Marshall Ford. The other person to whom he sent a wire was Herman Brown. Herman and his brother, George, were the operators of a firm that built roads in Texas. Their business had been moderately successful, but nothing fancy. Not until the dams came along. Their first contract was for work on the Buchanan site. But their major financial gains came along with the first contract given for construction of the Marshall Ford dam. Presumably through a system of open and competitive bids required by the federal government, Brown and Root, and McKenzie Construction of San Antonio, had acquired a contract in the amount of \$5,781,235 to begin work at Marshall Ford. They were a fairly effective builder, it turned out, having completed the initial construction work six months later. Now, in the summer of 1937, another allocation of \$5,000,000 to complete the low Marshall Ford dam was available, and Johnson had informed the firm, and Herman, of this fact.

There is little evidence to indicate what kind of relationship Johnson and Herman Brown had at this time. Within a year's time, they would become close friends, and by the time of the Democratic Party's Harmony Barbecue, in the spring of 1940, Edward Clark could describe Brown, Johnson, Wirtz, Perry, and Miller as his "Number One" gang. Now, in the summer and fall of 1937, their relationship was not yet on firm footing. In any event, just as Miller, Perry and other people would try to exercise their influence over Johnson in order to get the Austin Dam reconstructed, so, too, did Herman Brown. Brown was for power, and he saw that the Marshall Ford dam could become a great little plum for his pocketbook. Somehow — again, the evidence is

unclear — Brown and Root managed to secure the second \$5,000,000 allocation to Marshall Ford, but this proved not enough to satisfy the hungry Mr. Brown. In the fall of 1937, he began to manipulate Austin politics, as he would do time and again, in such a way as to create a public demand for the high Marshall Ford structure. A meeting was held at the Austin Rotary Club on November 30, 1937. The topic of discussion was the Marshall Ford dam, and the featured speakers were Mr. Bunger, engineer for the Bureau of Reclamation, and Ross White, construction superintendent for Brown and Root. Ray Lee, former reporter on the *Austin American*, and associate of Johnson's from the National Youth Administration as well as the preceding spring congressional campaign, writes to Johnson to inform him of the meeting:

After the meeting I happened to meet Senator Wirtz at the hotel door. I told him about the matter, and he made the statement that there was considerable controversy about the matter, and that you were anxious no great public uproar arise for the bigger dam, since it seemed unlikely that favorable action would be had on the whole project. . . . Then I called Charlie Green (editor of the *American*). . . . Charlie Green said: "Don't you think we've got enough dams already? Herman Brown and McKenzie spend all their time cussing Roosevelt. Why, if it wasn't for Roosevelt where would we all be?" . . .

It seems definitely that a carefully staged coup was pulled to get this thing into the public demand stage, and that a predicate was laid for a campaign. For the time being, the newspapers are on the negative side. what (sic) will happen when Mr. Brown begins to ride Mr. Marsh (Charles Marsh) about the matter is just a guess. Charlie guessed today that Mr. Marsh would turn him down.

Brown had helped to stage this event, and he had done so obviously because he hoped to secure the additional millions of dollars for the dam. The idea was to pressure Johnson, and then Ickes and the Department of the Interior, to fork over the money. Johnson ultimately succumbed to the pressure. (Tom Ferguson confided to me that one day, in the late 1930s, Johnson drove up to Burnet to visit him. Ferguson commented on the car Johnson was driving, and Johnson claimed it had been furnished him by Brown and Root.)

Over the next several years, Johnson would work the federal government in order to secure funds to complete the Marshall Ford structure. Herman Brown pressured him to do so, but so, too, it appears, did Alvin Wirtz and others on

behalf of the Colorado River Authority. At best, one must call what they did to secure the monies for construction cleverness; at worst, it often involved damnable lies. Thus, in early 1938, again with the government and Ickes determined to limit funds, Johnson, with the aid of Wirtz, sought to secure the passage of an amendment to a House Appropriations bill. The bill was intended to furnish an additional \$2,000,000 of funds for the dam but in the form of money that would not be reimbursable to the government. This was the first time that such funds actually had to be approved by the Congress. Earlier allocations had come directly from relief, or PWA, monies, and thus had bypassed the Congressional approval. Various people from Austin worked to influence the members of Congress, and they did so by telling damnable lies. Fritz Engelhard, Chairman of the Lower Colorado Authority board, wrote to Senators Tom Connally and Morris Sheppard and urged them to support the passage of the amendment, noting that "I wish to state that this item will complete the Marshall Ford Dam, thus giving us two huge storage reservoirs on the Colorado River above Austin, as well as two operating dams below the reservoirs." But, of course, this letter was written long after people, the Colorado River Authority officials in particular, knew that a higher dam was envisioned, so Engelhard must have been well aware of the falsehood. Regardless of the moral implications, Johnson and others ultimately were successful in getting the funds, and thus continuing the effort to build the high dam at Marshall Ford. Of course, they also kept the Brown brothers in business.

Other times, other stratagems were used to procure the funds. In the fall of 1940, the world situation had changed dramatically. World War II had broken out. Germany was engaged in combat with the European allied nations. America had not yet entered the war, but the federal government was preparing the economy so that it could do so, quickly and easily. Funds now were diverted from relief programs, fashioned during the miseries of the depression years, to defense industries and the military. A large military base, Randolph Air Force base, was housed in San Antonio, less than eighty miles from Austin, on the border of the Hill Country. Sensing that an argument on behalf of national defense would pry Roosevelt's fingers loose from additional money, Johnson wrote him on September 3rd that "the . . . completion [of Marshall Ford dam] is further desirable in order to provide

supply of power, all of which will be immediately consumed, and a part of which will be distributed in connection with the national defense program in the San Antonio area. . . ." The President, who much admired Johnson and only one year earlier had offered him the position as Administrator of the Rural Electrification Administration, acceded to his wishes, and clever politics once again had won out.

Ultimately the high Marshall Ford dam, as it was called, was finished at a cost of nearly \$30,000,000. There were cost overruns, delays, and other such things, all of which worked to the financial benefit of Brown and Root. Johnson had become their boy in Washington, and he worked hard on behalf of their financial gain. Early in 1940, the Brown brothers were much worried about continuing work on the dam, inasmuch as costs were higher than anticipated. Johnson kept them informed about his own work, and in a most revealing letter, of February 3, 1940, informs George of his work — and us of his relationship to George:

Imagine my surprise when I called you in Houston and learned that you had taken the train to Mayo's.

Besides not having fully recovered from the shock, I am pleased with your decision. For a long time I have realized that you should slow down some and quit taking life so seriously because I want to live and play with you and love you for a long time yet.

. . . I am on my way now to see the Director of the Budget on a little five million dollar item involving a dam down in Central Texas with which you have had some little connections.

Affectionately,  
Lyndon B. Johnson

Throughout the history of the construction, an observer must wonder, how was it that Brown and Root, which at times appeared to be unable to complete work on time, was able to continue to secure contracts from the federal government with little competition. Bidding for the government funds was an open and competitive process, although Lyndon Johnson was doing his best to make sure to keep the brothers in business. How did all of this work? How did Brown and Root secure such a favorable position? What kind of hanky-panky was going on in Austin? Or in Washington?

There exists no single document to show us the inner workings of this process, to show us how the details of politics worked here. There are, however, two documents that inform us how people in Austin, and fellow contractors,

perceived Brown and Root, and the millions they seemed so easily to secure. One letter is from Carl White, a member of the Board of Directors of the Lower Colorado River Authority, and a friend of Johnson. The letter concerns a discussion White had with Robert "Bob" Alsop, who was the construction superintendent for the Authority, and who had supervised the rebuilding of the Austin Dam. By all accounts, Alsop was a person of considerable integrity and honesty, as well as being a fine engineer.

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*One wonders how  
Brown and Root was  
able to continue  
to secure contracts  
from the  
federal government.*

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January 10, 1940

Dear Lyndon:

. . . About ten days ago I got a call from Bob Alsop asking me to come to Austin as soon as possible. I dropped everything and took out that night and was in Bob's office the next morning. He had a set of specifications for Marshall Ford power house on his desk, and he asked me what I knew about the situation in regard to this proposed contract. I told him I knew nothing whatever. He then told me that he was interested in it for two reasons — because it was to become an integral part of a project he had put his heart and soul into building, and because under certain circumstances it could prolong for a few months the employment of many of the men who now constitute his crew at Austin dam. For the purpose of helping these men get jobs he had consulted with several reputable contractors and had offered his services to help at least one of these estimate the job and prepare a bid with the understanding that if he was successful that the contractor would give jobs to men in his crew. He explained that if Brown and Root got the job that none of his men could expect to get a day's work out of it. That seemed to me to be a perfectly legitimate and laudable interest. Bob knew that I had been battling with Max Starcke (Operating Manager of the Lower Colorado River Authority) to select as many of his permanent operation employees as possible from the ranks of our own construction forces, and he knew that I was interested in anything that would help or benefit workers who had proven their loyalty to us and their ability to do good work.

He said that in all his experience in the contracting and building business

that he had never seen a poorer or more inadequate set of specifications. He said it was extremely difficult for any legitimate contractor to prepare an intelligent bid from any such specifications. He said contractors did not mind bidding in the face of the physical advantages enjoyed by Brown and Root if they could have any assurance that the cards had not been previously marked and cut for Brown and Root. He said that in many places in the specifications there was evidence that we were using every means at our command to make certain that Brown and Root got the job. He pointed out the bonus feature of the contract as a flagrant example of such effort. He assured me that if we could give contractors some assurance that they would get a square deal that there could be plenty of legitimate competition in the bidding. All of this was news to me. I told him I would get with Fritz (Engelhard) and some of the other board members and see what we could do to correct the situation. We sent out letters to all board members asking them to protest this bonus feature of the contract, and Bill wired Senator Wirtz in Washington, asking him to get P.W.A. to remove this feature. I talked to George Harley, and he told me that several changes, including this one, had been made in the specs after they had been sent to Washington. He said Brown and Root had a physical advantage, but not an impossible one. He thought a good contractor could overcome this advantage and make a legitimate profit out of the job. I soon found that I was treading on hallowed ground. I got plenty of, "Shu!., better lay off this. It's hot." kind of talk. "Well, what do we care, just so we get a good job and it is under our estimate." I asked for and got our estimate, and Bob gave me his estimate. I found that letters had been sent to fifteen contractors and that three had taken out specifications. Two of these had been brought back. At that time it looked like there was going to be one bid. Two days before the bids were to be opened, a San Antonio contractor whom Bill classifies as a first class house mover, came in and got a set of specs. He turned in a bid which Brown and Root beat by about \$100,000. When the bids were presented to the board for approval I made a motion that all bids be rejected and the job re-advertised, because it was my conviction that we had not received competitive bids. The motion was seconded by Bill Arnold. I asked George Harley and Mac (McDonough, General Manager of the Lower Colorado River Authority) if they thought a contractor could figure a job of this kind in two days and make an intelligent bid. Harley said he thought it would take any good contractor at least a week to estimate the job. Practically everyone on the board admitted that there was much evidence

of a frame-up. We than had this line of thought advanced. Loss of revenue because of delay, and probability of collusion and higher bidding in the second go. The vote to give the contract to Brown & Root was five positive, two negative, one present and not voting, and one absent. . . .

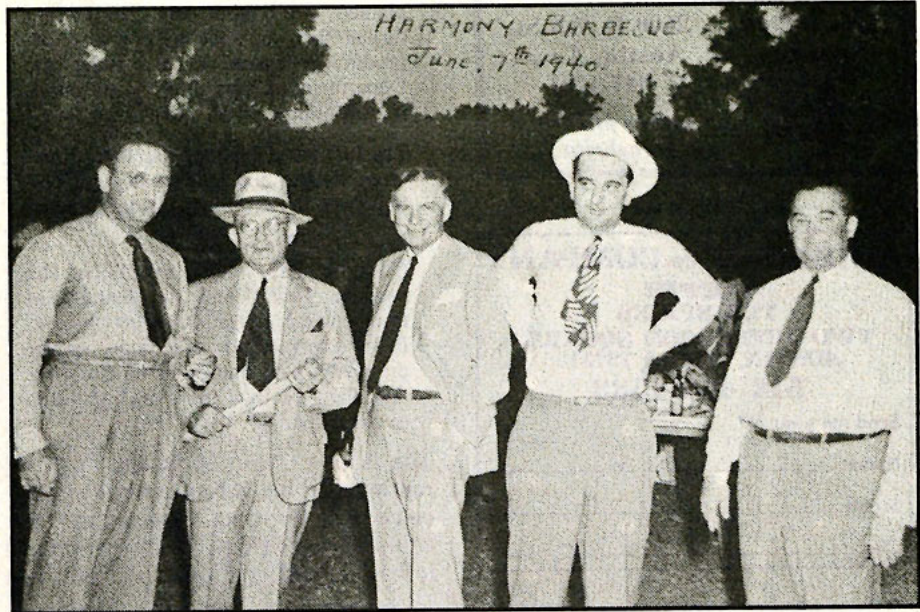
I am budening (sic) you with this detail for two reasons. One of these is because you are the key-stone of the whole project, and you should know about everything that affects it, and the other is that if there is collusion in the higher-ups you make capital of it, and see that a good slice of the ill-gotten gains goes into the campaign to elect a good democratic president in 1940.

. . . Bill and I had a conference with Bob Alsop just before we left Austin, and although he is mighty low over the recent Brown and Root raid, we left him in improved spirits with the assurance that he was going to be the last man on the construction force to go. Harley says Bob is the best construction man he has ever met or known in his entire experience. He said that if Bob could have been backed up by an engineering department and a purchasing department that had properly co-operated that we could have saved thousands of dollars.

Mac admits that the Brown and Root bid on Marshall Ford power house is little more than a system of unit costs to be used in making up the final bill. He says the plans were of necessity very incomplete, and that the job is liable to cost much more than the amount specified in the bid. So it looks like you and the Senator had better get set to pull some more rabbits out of the hat.

It is trite to say I love you and miss seeing you a lot. . . .

Two months later, Johnson indeed had pulled more rabbits out of the hat and had secured passage of an additional \$3,000,000 appropriation for the Marshall Ford dam. Poor Carl White, who was so fond of Johnson, was, it seems, little aware of Johnson's own close relationship to the Brown brothers and the shenanigans of the higher-ups that most certainly implicated Johnson himself. The controversy over this particular appropriation by no means died down. In July 1940, the Al Johnson Construction Company, which had submitted a bid and lost to Brown and Root, smelled something fishy and asked the Comptroller General of the United States to rule on the recent award. They were concerned that Brown and Root had linked bids on two separate contracts together, so that if the first contract were to be awarded to them, so, too, should the second. The Comptroller General ruled that the Brown and Root bid for



"Number One Gang": Ed Clark, Edgar H. Perry, Herman Brown, Lyndon Johnson, and Tom Miller (left to right).

only the first contract could be accepted; eventually they got the second one, too.

Hard work by many folks built the dams on the Colorado. And it helped the vision of growth to materialize. But ambition, greed and personal relations did so, too. However much we seek to make sense of the world in terms of the notion that visions can indeed become realities, the lesson of the Marshall Ford dam also must be that these other elements underlie the process as well. Upon its completion, incidentally, Johnson helped see that Brown and Root also got a nice little naval station to build at Corpus Christi.

**I**N THE SUMMER of 1938, the last and final great act in the taming of the Colorado occurred. A great flood had occurred on the river in late July. Once again, devastation of land and crops was vast. Over \$4 million in damage, it was estimated, had been inflicted on the area. Particularly downstream from Austin, thousands of acres of rice and cotton were lost to the waters of the flood, washed out into the Gulf. Entire farms were destroyed as the land was denuded one more time, and farmers were left to hope for one more miracle.

Many Colorado basin citizens asked themselves a simple question: if the now-complete Buchanan Dam was all the Lower Colorado River Authority proclaimed it to be, why had the floods taken place? Wasn't the Dam, they asked, intended to prevent such floods? Of course, these citizens were unaware of the studies by the Department of Interior that only two years earlier had

revealed that the Marshall Ford Dam would be the key flood control structure. At the moment, their question certainly seemed reasonable. Yet there were a number of other people who raised the same inquiry, and who worked to create a great public outcry over the floods and the failure of the Buchanan Dam to stop them. The nature of their concern resurrected an issue thought to be long dead by everyone — whether the dams on the Colorado were to be flood control devices, or structures to generate hydroelectric power. The battle between the federal government and the private utilities was not yet over.

The uproar reached great proportions. As in 1934, when the passage of the Colorado River Authority bill was at issue in the Texas legislature, even national publications became involved. The *Saturday Evening Post*, no friend to Mr. Roosevelt and the New Deal, declared in its editorial of September 10, 1938:

The fundamental dishonesty of the New Deal's power and flood-control program had, in July, a dramatic demonstration in the flooded lower Colorado River Valley of Texas.

. . . The Lower Colorado River Authority, a little TVA, was formed for the stated purpose of controlling these disasters, with the incidental purpose of irrigation and electric power. . . .

High water has recurred so often in the lower valley that the lowlands of the five counties below Austin had largely ceased to be cultivated, though they are rich land as may be found in Texas. This year, under the promise of Buchanan Dam's protection, the farmers

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**Legal Notice**

No. 369.808  
ROBERTO CAMARENA AND OTHERS. PLAINTIFFS  
VS.  
TEXAS EMPLOYMENT COMMISSION  
AND OTHERS DEFENDANTS

IN THE DISTRICT COURT  
OF TRAVIS COUNTY, TEXAS  
201ST JUDICIAL DISTRICT  
NOTICE TO CLASS MEMBERS

IF YOU ARE AN AGRICULTURAL LABORER, PLEASE  
READ THIS CAREFULLY.

On January 2, 1985, Judge Harley Clark of the District Court in Travis County will hold a trial to decide whether the exclusion of agricultural laborers from the Texas Unemployment Compensation Act is unconstitutional and should not be enforced.

The Plaintiffs in the suit have asked Judge Clark to prohibit the Texas Employment Commission from denying unemployment benefits to agricultural laborers who would otherwise qualify for such benefits except that they are employed in agricultural labor.

This notice has three purposes: (1) to inform you of the existence of the lawsuit and of the fact that you may be a member of the class of agricultural laborers on whose behalf the lawsuit was brought; (2) to inform you of the trial in the case on January 2, 1985; and, (3) to give you a chance to remove yourself from the suit and from being bound by the judgment.

The effect of the judgment may be to bind you as a class member under terms of the judgment, whether it is favorable or unfavorable to you.

However, you may have the right to be excluded from the class and the judgment, if you request that the Court do so. That request should be filed with John Dickson, Clerk of this Court, located at the Travis County Courthouse, P.O. Box 1748, Austin, Texas, on or before January 2, 1985.

Signed this 3rd day of December, 1984.  
Harley Clark  
Judge Presiding

planted the bottom lands in cotton, turned their uplands to non-revenue-producing legume crops, under the Department of Agriculture's soil-building program.

The July flood destroyed all their three-quarters-bale and bale-to-the-acre cotton when the crop was virtually made.

Constitutionally, the Government can produce power only incidentally to flood control, irrigation and navigation. In its determination to produce power primarily, Constitution or no Constitution, the New Deal approved high dams on the Colorado. . . .

The facts as reported by the *Post* and reprinted in the *Austin American* basically were correct. Later, in their editorial, the writers noted what proved to be the most controversial point, that

“(e)ven with its inadequate flood-storage capacity, had the Buchanan Dam’s flood gates been opened promptly, the flood could have been held to a maximum of nineteen feet, instead of thirty-four feet, the local Weather Bureau is quoted as saying.” Investigations commenced at Austin soon after the flood, with the first one chaired by Governor James Allred. The exchange between residents from the affected downstream counties, which included Matagorda and Colorado, and the proponents of the Authority were heated and intemperate. Later in August, an investigating committee of the Texas legislature was impeached, with powers to determine the cause of the flood, and whether, in fact, the Lower Colorado River Authority was culpable.

The great debate over the flood represents one of those instances in politics where two different matters are at stake, and where the debate over one fuels controversy over the other. The issue of the great devastation to the lives and fortunes of farmers who lived below Austin was a real issue. Many people had lost great sums of money, in some instances whole livelihoods, to this flood. Because the federal government had provided assurances that there would be no further floods to expect, people like the history professor at the University of Texas, Charles Hackett, genuinely believed the government should compensate them for their losses. But the other matter, the one that truly worried officials of the federal government and the Lower Colorado River Authority, was the old debate between the government and private utilities, and whether the purpose of the dams was mainly, or only incidentally, the generation of hydro-electric power. (In Washington, the matter was being discussed in the Supreme Court.) Representative Sam Arnheim, a county judge from Fayette County where millions of dollars of damage had been visited upon crops, was most concerned about this question, and sought to reprimand the Lower Colorado River Authority officials. In Smithville there was considerable concern as well. The *Smithville Times*, in its editorial of August 11, 1938, relied on various authorities, including the renowned Dean T. U. Taylor of the University of Texas, who had actively consulted on the Austin Dam, to argue that flood control and hydro-electric power worked at cross-purposes. Leading citizens of Smithville caught in the midst of the flooding waters had on July 28th telegraphed Congressman Johnson to say that “(w)e are vitally concerned to know as to whether or not these dam projects are to be primarily

No. 369.808  
ROBERTO CAMARENA Y OTROS. DEMANDANTES  
VS.  
COMISION ESTATAL DE EMPLEOS  
Y OTROS DEMANDADOS

EN LA CORTE DISTRITO DEL  
CONDADO DE TRAVIS, TEXAS  
DISTRITO JUDICIAL 201°  
NOTICIA A MIEMBROS DE ESTA ACCION LEGAL  
COLECTIVA

SI UD. ES TRABAJADOR DEL CAMPO, FAVOR DE  
LEER  
ESTA NOTICIA CUIDADOSAMENTE Y ATENTAMENTE

A Todos Trabajadores Campesinos y Agrícolas:

El día 2° de enero 1985, el juez Harley Clark del Condado de Travis va a decidir si la provision legal que excluye a campesinos o trabajadores agrícolas de la ley que protege a personas que se desemplan del trabajo es anti-constitucional y que no se puede enforzarla para negar al campesino los beneficios de desempleo.

Es decir que, si el juez falla a favor del obrero campesino, tales trabajadores agrícolas estarán cubiertas por la ley del desempleo tanto como cualquier trabajador cualificado, en Texas.

Hay tres razones para darle esta noticia: (1) para informarle de este litigio y de que Ud. quizá sea miembro de la clase campesina en el nombre de cual ésta demanda estuvo presentado; (2) para informarle a Ud. del juicio pendiente el 2° de enero; y (3) para darle la oportunidad de excluirse de tal juicio y del orden emanante, si Ud. no quiere estar cubierto por la ley del desempleo.

Si Ud. no se excluye del juicio, el orden judicial se le incluyera a Ud. como miembro de la acción colectiva, no importa si sea favorable o infavorable a Ud.

Entonces, quizá Ud. tendrá el derecho de excluirse de esta acción colectiva y del juicio si Ud. lo pida del juez antes de la fecha del juicio. Pero es necesario que su petición de excluirse esté sentado en la oficina del Secretario de la Corte. John Dickson, colocada en la Casacorte del Condado de Travis, P.O. Box 1748, Austin, Texas 78767, por el día 2 de enero, 1985.

Este orden es firmado el día 3 de diciembre, 1984.  
/s/ Harley Clark  
Juez de la Corte

for flood control or for the generation of power and amusement, it is unanimously agreed that they should be used for flood control even though the power consideration be sacrificed."

The proponents of the dams — Johnson, Wirtz, who served as general counsel for the Authority, Tom Miller, and others — grew convinced that the real opposition they faced came from the Texas Power and Light Company. Years later, in fact, John Babcock learned, Judge Arnheim was on a retainer at the time from TP & L. The real worry of the dam supporters now was not whether the dams would be completed. They believed that funds probably would be forthcoming — though this was no certainty — and especially that once Marshall Ford dam was finished, then the major problems of flood control would be solved. No, their real worry was with securing consumers for all the hydro-electric power to be generated by Buchanan and the other dams. Without the sale of that power, the federal government's argument on behalf of cheap power, the one they used here on the Colorado as well as in Tennessee, was just empty words, signifying nothing. Moreover, without the sale of that power, the dams never would pay for themselves, and the Authority would remain substantially indebted to the federal government.

To understand, then, why the public battle over the flood was so heated and even at times vicious, it is important to know that at the time of the flood Johnson and his associates in the Authority were in the midst of battling TP & L for the sale of electricity in central Texas. During Buchanan's term in Congress, there had been little pressure to repay the federal loan of \$10,500,000. But, once Johnson reached Washington, federal officials began to pressure him to see that such monies were repaid, in part to show how effective New Deal programs, like cheap electricity, were. Johnson himself gave some evidence of his own personal conviction on behalf of the program. In a letter to Clarence McDonough on March 16, 1938, he wrote:

You and I both realize there are plenty of rural communities throughout the whole area, where smokey lanterns are the chief means of lighting and elbow-grease is still the main motive power, although this is the Twentieth Century and not the Middle Ages. We know there are many towns in the Tenth District either entirely without electric light and power or struggling with inadequate, expensive, wasteful and cumbersome plants of their own, which supply light and power of most unsatisfactory kind at rates nothing less than

blushful. There is no reason why either of these conditions should longer exist in the whole 40,000 square mile area the Colorado River is getting ready to serve.

There is no program of more interest to me personally and officially than that upon which you and your associates have been working the last few years, and I want you to know that we must see to it that it is made entirely effective. I shall be happy to assist in spreading information on the organization of rural electrification cooperatives and corporations and to give these projects my full attention when they reach the Washington office for final approval.

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***"Yes, we are going to have four dams . . . and they are going to pay for themselves with some electric power which doesn't have to run through the cash register of a New York power and light company before it gets to our lamps."***

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A massive campaign had been initiated in the spring of 1938 throughout the central Texas region to develop customers for the power. It was directed by Johnson, and further orchestrated by the Authority. Max Starcke, Mayor of Seguin and friend of Alvin Wirtz, was hired as the operating manager of the Authority specifically to help with the political work necessary to recruiting electrical customers. Among other things, he symbolized the success that Seguin had had in running its own municipal power facility. During the spring, Johnson constantly was after the officials of the Authority to convince municipal officials throughout the region to take control of their own power plant and utility operations. Many, if not most of them, presently were controlled and operated by TP & L. Obviously, TP & L was reluctant to give up these plants.

During the course of the campaign, federal officials made TP & L appear to be an ogre taking unfair advantage of the consumer. The federal government, the New Deal, would act as the knight in shining armor, coming to rescue the fair maiden, the People, to save her from the clutches of the evil dragon, TP & L. Johnson, ever the tireless campaigner and effective crusader, captured the flavor of this battle with a speech he delivered at a mass rally in Austin on August 16th, in the midst of the public debate over the flood:

Yes, we are going to have four dams. They are going to hold back flood water and they are going to pay for themselves with some electric power which doesn't have to run through the cash register of a New York power and light company before it gets to our lamps.

The time has come for all citizens of Austin and for every citizen of this part of Texas to get a hold of his representative in the Legislature and to say to that representative:

'We are going to have dams on the Colorado River to control floods. We are going to complete the four dams we are building now, and we are going to build some more dams if we find they are needed to do the job.

'We are going to keep building these dams in a business way. When we store up flood waters we are going to release them through hydro-electric turbines and we are going to sell the electricity those turbines make to the people. It will be the people's electricity and the people are going to get it at cost — for a small fraction of what they have been paying the power monopoly for twenty years. . . .

. . . as far as I am concerned we are going to say to the Dallas News and the TP & L, 'We are going to build our dams and we are going to keep our men at work,' and that is what I want you to join me in saying tonight. . . .

Obviously, Nature, it must have appeared to the New Dealers, was an active combatant on the side of TP & L; or, given the widespread lobbying efforts of the company, Nature might even have been on its dole!

Whatever the source of the flood, whether by divine intervention or money from TP & L, this battle ultimately was won by the Authority and the dams. Over the next several months, the Authority was able to secure the cooperation of citizens across central Texas, as municipality after municipality voted almost unanimously to take control of their own power plants. For a while, it looked as though the cities would build their own plants, thus making the TP & L structures redundant and useless. Ultimately, a contract was hammered out between the two parties whereby the Authority actually agreed to purchase the facilities. With this agreement in place, and with the electric cooperatives established later for rural districts, such as the Pedernales Electric Cooperative, whose headquarters not so coincidentally were founded in Johnson City, in Lyndon's territory, the Authority at last had found a way to sell electric power cheaply. TP & L, like the great, muddy Colorado, had finally succumbed to the work of the New Deal. □

# GAINING THE MIDDLE CLASS VOTE

By *Stuart E. Eizenstat*

*Stuart Eizenstat, a Washington lawyer, was President Carter's chief domestic policy adviser. This essay appeared in the November 25, 1984 issue of the Washington Post, and is reprinted with permission.*

How can the Democratic Party come back? Only if the leadership of those groups that form the fundamental core of our party realize that their constituencies together no longer confer a majority status upon our party. We must win back the middle class that has drifted from our ranks.

Winning back middle-class voters does not mean rolling back the clock on hard-won gains for black Americans or adopting a let-them-eat-cake attitude toward the nation's poor.

We cannot resume our dominant position unless we can convince some of those who are part of our party's inner circle that their own agendas are less important than a broadly acceptable program for the party. We must begin again to speak directly to the voters whose votes we seek and not filter our message solely through groups claiming to represent them.

In four out of the last five presidential elections the great middle class of this country has rejected our party and its message. Irresistible changes and the success of our programs have transformed most of the coalition of Franklin Delano Roosevelt's "outs" — ethnic, religious and racial minorities, the urban working class and southern whites — into middle-class "ins."

We have been appealing to a nation of the disadvantaged whose ranks have been substantially reduced. And we continue to address ourselves to the constituency necessary to win presidential elections — the middle class — as though it were a conglomeration of racial, ethnic, religious and economic factions needing individually-tailored appeals rather than as a broad-based majority with common concerns.

With the Depression half a century behind us, with our country enjoying a generation of prosperity without precedent, we Democrats confront a dilemma: How to make our programs relevant to a hard-working, prosperous middle class without losing our soul — without sacrificing our concern for those who still do not have the opportunity to realize America's promise.

I believe it is possible for us to recapture the support of the middle class without relinquishing our guiding principle that America's true strength lies in a community of interests, spiritually and materially, expressed by the collective will of our people through our government.

The burgeoning postwar middle class became increasingly disenchanted with the national Democratic Party because of four historic developments: excessive identification with interest groups; increased tension between poor and working-class Americans; the impression of a post-Vietnam unwillingness to defend American interests abroad, and, the difficulties of pursuing equal rights for all our citizens.

First, our most successful Democratic presidents — Roosevelt, Truman, Kennedy, and Johnson — identified themselves with the plight of *people*, with the average guy fighting adversity to succeed. But in the last two decades we became identified with the leaders of interest groups rather than the individuals they purported to represent.

The so-called party "reforms" led by George McGovern after the 1968 convention displaced elected and party officials attuned to middle class opinion and replaced them with interest group representatives more interested in their own agendas than a broad-based party program.

We have balkanized American Society, fitting people into categories — teachers, environmentalists, union members, feminists, gay rights advocates, southerners. We communicated with group leaders in Washington and adopted their agendas, while Richard Nixon and Ronald Reagan were appealing directly to their members. We unwittingly patronized the rank and file, ignoring the reality that people decreasingly identify themselves or vote as members of groups.

The concept of group identity reached its zenith when the 1984 Convention created a Fairness Commission whose membership must be "equally divided between men and women, and shall include fair and equitable participation of blacks, Hispanics, native Americans, Asian-Pacifics and persons of all sexual preference consistent with their proportional representation in the party."

Relations between Jimmy Carter, the last Democratic president, and the party's interest groups illustrates the problem. In the early 1976 Democratic primaries, much of Carter's attraction was his independence from organized groups and Washington's bureaucracy. Desiring to unite the party as the convention approached, he embraced many of the groups that opposed him and their agendas, blurring his own message.

Once elected president, he was repeatedly bombarded by labor, urban, health care and minority leaders for failing to spend enough on their agendas, despite his major economic stimulus, jobs and urban programs. The Democratic Congress, sensing the mood of the country, resisted many of the proposals, such as the Consumer Protection Agency, made by Carter on behalf of the constituent interest groups.

A second historic change in emphasis came with the Great Society's War on Poverty, which inadvertently exacerbated tensions between working-class and poor America. New Deal Democratic programs were broadly available to all Americans in need. Social Security provided benefits regardless of income; everyone's bank deposits were insured; farm programs saved the family farm for a generation; the Works Progress Administration and Civilian Conservation Corps jobs programs were available to anyone unemployed, regardless of station in life.

The Great Society programs, however, were largely designed to benefit the poor, creating resentment in those just above the income cut-off necessary to qualify for benefits. The middle class paid for — but was barred from participating in — programs designed for the poor. It is not accidental that the most popular — and most politically untouchable — Great Society program is Medicare, which provides health care benefits to all elderly citizens regardless of income.

The third historic shift in emphasis occurred in the party's view of the role of U.S. power in the world. The nation's Vietnam debate was played out under the Democratic Party's umbrella.

The lessons from Vietnam drawn by many in the party have led to an inability to distinguish appropriate from inappropriate uses of U.S. power, in Lebanon, Central America or Iran. The party whose presidents, despite Republican isolationism, committed American forces to the defense of freedom in World War I and II, Korea, and during the Cuban blockade, was seen by many middle-class workers as unwilling to use our strength to protect our interests.

The fourth significant change occurred in race relations where, regrettably, doing what was morally right cost the party middle class political support, both among urban workers and southern whites.

From the end of the Civil War until the end of the Roosevelt era the Democratic Party ignored race relations legislatively. Harry Truman's stand for civil rights in 1948 led to the Dixiecrat revolt and the beginning of the modern Republican Party in the South. Since then, Lyndon Johnson is the only Democrat to have won a majority of the nation's white vote. Jimmy Carter, a native Southerner, did not win a majority of even the Southern white vote in 1976. Walter Mondale got only one out of every four white votes in the South and little better than one in three nationwide.

White flight from the party is not mainly race related — but neither is it happenstance that it coincided with Democratic identification with black aspirations.

In the South, where I grew up, and elsewhere, whites have finally accepted the idea of full equality. But the party seemed to change the definition of equality — from guarantees of equal opportunity to guarantees of success. We must continue to support affirmative action — ensuring that places will be made available for qualified members of minorities who have historically been discriminated against — while at the same time we make clear our opposition to quotas, which insist on rigid results whatever the circumstances.

Regardless of the political price, our commitment to what is morally right cannot be compromised.

Yet the activist core of our party must realize that if the party accedes to demands that run against the grain of public opinion — such as our legislative commitment in 1977 to use massive federal outlays to reduce unemployment to 4 percent — their constituencies may wind up with no loaf at all rather than even a half. Capturing the party will be an empty prize if it can't win an election.

What we need more than new programs is a reestablishment of basic values. Ultimately, the message of the conservative right is a sterile and selfish one of an atomized society with everyone fighting for himself. The middle class will respond to a broader vision of a society that recognizes that real progress comes when we all move forward together, that national strength derives from a shared sense of sacrifices and commitments for the general good, that no society is fully secure until opportunity and security are broadly extended to everyone. We can capture Robert Kennedy's spirit that made white workers recognize that black ascendancy was not a threat to them but rather a completion of their own American dream.

We must first recognize that the past 10 years have been difficult economic times for the middle class. Their after-tax incomes actually fell in real terms from 1970 to 1981, due to flat real incomes and a rising tax burden. Three major recessions since 1973, two major bouts of double-digit inflation, soaring interest rates and a changing economy postponed retirement plans, excluded many from home ownership, threw breadwinners out of work, dashed hopes for upward mobility, made college educations astronomically expensive, and required housewives to enter the workplace to make ends meet.

To these financial burdens were added social concerns as middle-income children were tempted by drugs, cults, promiscuity, and alternate lifestyles. Far from voicing similar concerns, we were seen as flirting with decriminalization of marijuana in the 1970s and of promoting gay rights in the 1980s. When middle-class Americans see us addressing their problems, and as their real incomes improve, they will be more willing to address the problems of those lower on the economic ladder. Instead they saw us accuse them of spiritual malaise, support new spending programs for others with their tax dollars and suggest that alternate lifestyles were equally acceptable to traditional ones.

In 1984, rather than support a continuation of tax cuts for the middle class, but not the wealthy, we proposed tax increases for them. Rather than suggest a one-year across-the-board spending freeze in which everyone would be asked

to sacrifice, we proposed billions of dollars of new domestic spending in the face of \$200 billion deficits.

We must convince the middle class, and ourselves, that we are a party that can adapt to change. We, not the Republicans, have come to represent the status quo, forgetting FDR's admonition that "the country demands bold, persistent experimentation. It is common sense to take a method and try it. If it fails, admit it frankly and try another."

Instead, we defended with equal zeal programs that worked and those that did not. We played into the hands of those philosophically opposed to any social role for government and simultaneously undercut middle-class support by failing to modify or scrap programs that didn't work and, equally, by failing to rejoice in the accomplishments of the great number that did.

Democratic programs helped provide college educations for our GIs and later for many other Americans, electricity for rural America, TVA to develop an entire region, dams to provide water for the arid West, and Job Corps for the hard-core unemployed. Food stamps virtually eliminated hunger. All worked. Between 1960 and 1979, Democratic programs helped reduce the number of people in poverty by over 12 million, from 22 to 12 percent of the population.

Yet polls showed most people believe the party's anti-poverty programs had little or even a negative impact on the poor, in part because we failed to take credit for our accomplishments for fear doing so would deter new spending to expand them.

Since we are the party that believes in government, it is time we defined a modern role for it that enables the middle class to believe we will be wise trustees of their tax dollars. We must demonstrate we will make government better before we make it bigger.

Our principle should be first to seek private sector solutions to national problems, as with the economic deregulation of various industries begun by President Carter. Next, if free market solutions alone are insufficient, we can craft government incentives, such as tax credits for job training or research and development, to encourage the private sector to perform activities in the national interest. Only if these alternatives are unsatisfactory should we seek purely public solutions.

We must assure rigorous review of programs to separate what works from what doesn't; we must increasingly condition federal aid on contributions from their beneficiaries — whether industries seeking trade relief or states seeking deferral projects — and we must move from income support programs to job training programs. And we can define a new role for government in the fiercely competitive world marketplace — not to erect protectionist barriers but to help our businesses compete abroad, to encourage labor-management cooperation, to improve industrial competitiveness and to retrain workers displaced by international competition.

We should also broaden access to some programs, generating more equity and more middle class support. For example, job training and employment programs should be open to anyone unemployed for long periods of time, regardless of income.

We must convince the middle class that a Democratic president will defend the vital interests of the U.S. around the globe through all necessary means — political, economic, and military.

Finally, it is time for Democratic elected officials to realize that their fortunes are linked to that of the national party. It is an exercise in self-delusion if they think the hemorrhage in middle-class support for our presidential candidates will not lead to further bleeding at their political level.

They must take back control of their party and its platform, which only they can implement, for it is only they who have stood before the broad electorate for approval.

## The Dough Boys

✓ Fresh from their defeat in the '84 election, the Democratic money boys are already consolidating their dough in order to crown the next Democratic Presidential nominee and, thereby, to insure another Democratic debacle in 1988.

Thomas Edsall and David Maraniss reported in the *Washington Post* that 20 Democratic fat cats met on November 27 in Washington to organize what Edsall/Maraniss dub the "Money Caucus." The meeting began with an obligatory thank-you from their former golden boy Walter Mondale, who was then escorted from the room by Bethesda developer Nathan Landow in order to allow the group to plan for the future. Chicago developer Thomas Rosenberg explained the influence of those in the meeting. "We don't have to do anything," Rosenberg told the *Post*. "We have a certain viewpoint that is, say, moderate or centrist. And we are major fundraisers."

According to the *Post*, the group is intent upon backing a Presidential candidate who will move the party farther to the right, to their "moderate or centrist" business-oriented position. E. William Crotty of Daytona Beach, Fla., said he advocated each member's raising \$250,000 in two years with the goal of applying what he saw as \$6 million to \$10 million toward a candidate of their choice.

Said Crotty: "We are all people who are extremely successful, quite wealthy each in our own right, and we all have strong ideas about things, so how it will wash out, only time can tell."

Among the members of the Money Caucus was Texas Railroad Commissioner Buddy Temple. Temple told the *Post* that the money boys had been frustrated in not having more policy-making power in the last campaign.

✓ It appears that none of the progressive Democrats holding statewide office will challenge Mark White for the gubernatorial nomination in 1986. White's generally moderate performance makes him a low-profile target for any progressive challenger, and the Mondale-Doggett wipeout in Texas makes all the statewide Democratic incumbents nervous. Jim Mattox, the Attorney General, will have to think himself lucky if he retains his present post, given the bribery indictment that has enveloped his first term. Agriculture

Cmsr. Jim Hightower wants to be the Governor of Texas but tells friends he will not make a move against White in 1986. What we can expect among the statehouse Democrats in 1986, then, is a circling of the wagons.

✓ Hightower will be interested in running for the U.S. Senate seat from Texas in 1988 if incumbent Lloyd Bentsen steps down. Presumably this means Hightower would not seek the seat if Bentsen sought re-election.

✓ In an interview with the Associated Press, Lloyd Doggett indicated that he is not interested in running for a statewide office in 1986 and is more interested in another run for the U.S. Senate in 1990 for the seat he lost this year to Phil Gramm.

According to the AP story: " 'I guess it's a matter of evaluating where things are in six years,' Doggett said. He also would have an opportunity of running for the Senate in 1988, should Sen. Lloyd Bentsen, D-Texas, decline to seek re-election."

The AP's careful wording on the latter point would seem to be open to the implication that Doggett had said he would not go up against Bentsen in 1988 but had not said this for attribution. To others close to him, Doggett has said definitely that he will not. Presumably he believes that Bentsen's unstinting support obligated him not to oppose the incumbent senator later.

Doggett told the AP: "I can't foresee a circumstance under which I would run for office in 1986." He would consider running for Congress if Rep. Jake Pickle of Austin vacated his seat soon, Doggett said, but he added that it is not likely Pickle will step down.

"I would prefer serving in the United States Senate to any job around," Doggett said.

In consonance with the iffiness that always qualifies politicians' prospects, there is speculation in Austin that should Mattox lose his office as a result of the bribery charge, Doggett might run for attorney general.

In a mailing to supporters, Doggett said that he raised \$5,005,415 and spent \$5,334,454 in his recent Senate campaign, leaving a debt of \$329,039. He had 24,740 contributors, most of whom apparently gave twice; the average single contribution was \$82.53.

In a form letter, Doggett said the kind of support he had received "will not

disappear as the result of a single loss. . . . We are taking time off to regroup, but will soon be back ready to fight another battle."

✓ During a recent meeting, former conservative Democratic Governor Dolph Briscoe, who has maintained his party loyalty, said that Jim Hightower, because of his program for the regulation of pesticides, is going to get not only himself, but the whole Democratic ticket defeated at the polls.

## To Lead the Democrats

✓ Billie Carr of Houston, the activist liberal leader, has become chairman of the Liberal-Progressive Caucus of the Democratic National Committee. As well she has become the honcho of the New Democratic Coalition.

Carr favors Paul Kirk for the Democratic chairmanship, which will be settled in late January. Kirk is connected to Sen. Edward Kennedy but is treasurer of the D.N.C. now. Carr says Kirk should not be regarded forever as Kennedy-connected and that the Democrats need a liberal leader now.

Bob Slagle, the Texas Democratic chairman, has been pumping for Terry Sanford of North Carolina for the chairmanship. With the collapse of the candidacy of Neil Goldschmidt as the moderate governors' alternative to the six established candidates, Slagle plunked for Sanford, whose officiating roles at the 1974 Democratic miniconvention established him as a heavy-handed party boss who resents it when mere delegates pipe up to have a say. Sanford worked at that convention hand-in-glove with Bob Strauss, the Dallas corporate lawyer who was Jimmy Carter's lead hoss in the party apparatus.

Sen. Bentsen of Texas floated the name of Texas Railroad Cmsr. Buddy Temple, and had Temple not withdrawn, Gov. Mark White of Texas would have supported him, probably because Temple can be regarded as having obligated White in previous jockeyings for office. However, with Temple out of the picture, White has not been pushing a candidate for the chairmanship. He has insisted on being kept informed, but has not taken a lead for anyone.

✓ A record number of delegates to the fifth national major conference of the Freeze Campaign in St. Louis — 732 in all — hammered out the following strategy: Bring overwhelming pressure to bear on our *locally* elected members

of Congress in order to force Congress to initiate a de facto bilateral freeze by suspending funds for nuclear weapons activities.

Freeze leader Randall Forsberg reported to the Dec. 10 meeting that when she met personally with David Yankelovich, the veteran pollster told her that there had been a massive shift in thinking. Fully 90 percent of all Americans now believe the arms race is a very serious problem and that they will not survive a nuclear war. "Be patient," said Yankelovich. "You have altered history as no other movement has."

## Tired Lobbyists

✓ Some lobbyists may be in the mood to support Common Cause-type of legislation to limit financial contributions to state officeholders, according to a December 10 article by the *Dallas Times Herald's* Virginia Ellis. The reason: the lobbyists are tired of being deluged by requests for contributions, even in non-election years.

"I know some fairly good-sized groups who have decided it's just driving them bats," one lobbyist told Ellis. "There is considerable amount of concern, awakening or whatever you're going to call it, by a lot of people who live and die by the Legislature that this is getting ridiculously expensive."

✓ The Jim Mattox trial on commercial bribery charges is set for February 11. Austin attorney Roy Minton is defending Mattox. This is the same Roy Minton who is defending Autumn Hills Nursing Homes on a murder charge relating to the death of two patients in 1978, a case prepared in part by the office of Attorney General Jim Mattox. Lawyers end up on the opposite sides of cases all the time, and it isn't a problem for him, Minton says.

✓ Minton says he expects the Autumn Hills trial to get underway along about March but that he first intends to push for a change of venue. "If you haven't been down there, you can't imagine what bombardment there has been in the Galveston area on this thing," he says. And the nuclear subs have not even been based there yet.

✓ Headline in the Waco Tribune Herald, November 18: **MANAGE WATER, CONTROL DESTINY.**

✓ In the heat of an August afternoon in Dallas, when the city was overwhelmed by thousands of Republicans,

when a red-white-and-blue convention nominated Ronald Reagan for a second term as President, when the temperature on the sidewalk was 105 degrees, a small band of protestors marched through the downtown streets on a "Corporate War Chest tour." They spray-painted graffiti on buildings, chanted angry slogans, and assembled at the city's civic center, where many were arrested. It was a slightly unruly and mostly unattractive demonstration. Someone burned an American flag. Not all of the people who were half-baked that day in Dallas could blame it on the August sun. But in Dallas, to be half-baked and poor and angry, or half-baked and oddly dressed and young, sometimes gets you in trouble with the authorities, who are ever-cognizant that flag-burning is against the law.

On December 13, a Dallas county jury convicted a 28-year-old Georgia man — the accused flag-burner — of desecration of a venerated object. He was sentenced to a year in county jail and given a \$2,000 fine. The prosecutor said, "I think this is as serious a misdemeanor case as there is in misdemeanor law. We are hoping this sentence will deter people who may be thinking of burning an American flag, not only in Dallas but around the country."

The American Civil Liberties Union is appealing the case, arguing that the flag-burning was "symbolic speech" protected under the First Amendment. Not only around the country but in Dallas, too.

✓ In a "Dear Fellow Republican" letter, State Rep. Bob Richardson is warning that the tax increase passed in the last special session of the legislature "has sowed the seeds of severe taxpayer discontent." Therefore, he says, the next session will be "very tough." Richardson, who defeated Austin Democrat Russ Tidwell, mailed the letter in November seeking contributions to retire his campaign debt. Richardson wrote that he felt compelled to spend \$90,000 on the race "because of our commitment to the people of this state."

## The Perot-ification of GM

✓ It seems the spirit of H. Ross Perot may drive General Motors white-collar workers into the arms of the United Auto Workers. The *Wall Street Journal* reports that, since acquiring Perot's Electronic Data Systems last summer, GM has begun instituting many policies used by EDS.

The 10,000 GM employees being transferred to the EDS data-processing

division will no longer receive automatic pay raises. They will, instead, be eligible for merit raises and bonuses as used by EDS. In addition to the data-processing employees, 15,000 other white-collar GM employees will no longer get cost-of-living raises. The GM workers going to the EDS division face a strict dress code and lose many of the benefits of a comprehensive health plan and generous pension plan.

Since the EDS acquisition, the UAW has had increasing success in signing up white-collar GM workers, a group with which it had formerly had little success.

EDS senior vice president Kenneth G. Reidlinger has issued a warning to GM workers. In a December 10 letter to workers, he wrote: "Labor unions have no place in EDS, and we intend to do everything legally and ethically possible to prevent a single unit from being organized. . . ."

✓ The November 5 issue of *Chemical and Engineering News* notes that a worker in California died 12 hours after an accidental exposure to ethylene dibromide (EDB). The Environmental Protection Agency banned use of EDB as a pesticide earlier this year, but it is still used as a gasoline additive.

✓ Eighteen percent of the South lives in poverty, according to a new study. The Southern Regional Council found the poverty rate increasing in the 11 Southern states, including Texas. "I think a fair assessment is that we're losing the war on poverty and we in the South started losing it in 1979 and 1980," the director of the Council told the Associated Press.

✓ H. L. Mitchell of the Southern Tenant Farmers Union has forwarded to us a proposal for an American Freedom Brigade to become part of the Nicaraguan defense apparatus. The proposal by Hal Draper, a California organizer and writer, leads Mitchell to call for an International Brigade, like the Lincoln Brigade in the Spanish Civil War. Mitchell writes that he is contacting veterans of the Lincoln Brigade about the proposal. The old blood is stirring. In a few hearts the Guadalquivir still flows. ¡No pasarán!

✓ Just in case such a dastardly thought as personal income taxes should cross the minds of legislators in a moment of budgetary weakness, Rep. Don Lee, D-Harlingen, has filed House Joint Resolution 2, which prohibits the imposition of a personal income tax unless the law imposing the tax is approved in a statewide vote.

✓ Rep. Bill Hammond, R-Dallas, has introduced House Joint Resolution 3, allowing encumbrances on homestead property under certain circumstances, including debt secured by a mortgage or deed with a trust on the homestead. Companies extending credit, including American Express and Sears, are particularly interested in getting rid of the homestead exemption. They've lined up a bevy of lobbyists to fight this war, while, on the other side, consumer groups and the Texas Farmers Union are preparing their defense of the exemption.

✓ No sooner had Lloyd Doggett left the Texas Senate than state Sen. Grant Jones, D-Abilene, introduced a bill amending the Texas Sunset Act. Jones's Senate Bill 26 proposes to change the

Act so that a "bill to continue a state agency may not contain any other matter. A matter other than the continuation of the agency is not germane to the bill." In other words, under Jones's proposal, reforms in state agencies, such as the reform last session of the Public Utility Commission, would no longer be possible through the Sunset process. Representatives are only allowed an up-or-down vote on an agency as it exists.

✓ And state Rep. Terral Smith, R-Austin, has introduced HB 10 to remove the Sunset provision from the state wiretap act. Apparently Smith does not believe civil liberties and their possible abuse are an appropriate matter for legislative review. While there has been no great constituent mandate for greater Department of Public Safety wiretap

authority coming from Smith's Travis County district, it is known that Smith covets the chairmanship of the House Criminal Jurisprudence Committee. House Speaker Gib Lewis appoints committee chairs, and it is the Gibber who has shown a certain fondness for fewer wiretap restrictions.

✓ And just so you don't think Texas is the only state, outside of the chemical duchy of Delaware, that enjoys considerable chemical company influence in government, consider Virginia. There, Gov. Charles Robb appointed an executive of a Du Pont textile fibers plant in Richmond to serve in one of his administration's top environmental posts. Richard L. Cook will become the \$65,000-a-year deputy secretary of commerce and resources, a position created in 1983 by the state legislature specifically to address environmental problems. Cook, while serving the state, will continue to be eligible for Du Pont life and health insurance benefits, will not lose pension seniority, and will be allowed to accept a one-time bonus from Du Pont for work performed for the company.

## Fullingim of Kountze

*Archer Fullingim died this past November 26 at the age of 82. Fullingim was publisher of the Kountze News from 1950 to 1974 and appeared on the pages of the Observer on several occasions. A fiercely independent journalist, Fullingim is credited with coining the term "Tricky Dick" for Richard Nixon. Below we reprint an excerpt from a 1958 Observer article about Fullingim.*

### Both Barrels

*Kountze*

Archer Fullingim is a most unusual fellow. He wears loud sports shirts and makes his own Mahow preserves, he writes novels which don't get published and watches mustangs while he feeds a press, he composes columns straight off a linotype and lives in a house on a hill in the pines. He owns and edits the *Kountze News*, one of Texas' most interesting weeklies, and he spices it strong with the furies of his own prolific personality.

Frank Dobie, writing some time ago in his weekly column, confesses he reads the *News* regularly and doubted "if there's another editorial writer in Texas who puts as much juice and vinegar, common sense, fire and laughter into his editorials as Archer Fullingim." There is Archer every week in his front-page column "The Printer Fires Both Barrels," telling yarns, chastizing the Republicans, and laughing out loud at the foibles of the good

gentry of Kountze and their more worldly Texas neighbors.

He distrusts the popularized image of Texas oil. "The oil industry in Texas," he wrote not too long ago, "has wallowed in its millions so long it has become a national joke. A lot of people outside Texas seem to think everybody in Texas has an oil well and a Cadillac. Of course, we in Texas know that out of the nine million people in Texas, probably only 9,000 of them could afford to cough up \$100 or \$1,000 for a plate at a dinner to raise funds for the Republican Party."

He is a Democrat with a brass-collar. "This column has no quarrel with the Louisiana Enterprise [Fullingese for the *Beaumont Enterprise*] for endorsing Blakley for Yarborough's seat in the U.S. Senate. We told you weeks ago it was going to happen and we know why. The big money in Beaumont that owns the La. Enterprise is Republican. It had to endorse Blakley, another Republican. But I'll bet it was a bitter pill for the La. Enterprise writers to have to write that editorial — especially after they had praised Yarborough for months for the great work he has done in Congress for McGee Bend Dam, the project so dear to East Texans, especially Beaumonters."

"The best newspapermen," he said, "are those who want to write. The others aren't really any good because they don't try to find out people's motives or objectives or anything."

*Willie Morris  
August 29, 1958*

## Advanced

✓ And now a social note: The Advanced Micro Devices company (AMD) held its employee Christmas party December 21 at the Frank Erwin Center in Austin. The company's caterer described it in advance to *Austin American-Statesman* columnist Russell Mitchell: "There'll be a lobster station, and an escargot station and a crab station. We've got a pasta station. There'll be some veal and beef and stuffed chicken and a dessert station, which will have banana flambe . . . and we'll have a separate room, set up like 1940s big band, and we'll have smoked salmon and smoked venison and prime rib and oysters.

"On the concourse level we'll have a '30s theme, a speakeasy done in New York style, with oysters on the half shell and caviar and champagne. And then we'll have the 1950s and we'll have hamburgers done like they were in the '50s. It'll be a malt shop thing.

"And then the '60s, it'll be like San Francisco and Haight-Ashbury, there'll be fondue and a vodka bar and that kind of thing. And we'll have the '70s, it'll be like Star Wars and Darth Vader and Princess Leia, and we'll have different kinds of fruits and cheeses and a tequila bar. And it goes on and on. These AMD people have really pulled out the stops."

The tab: \$400,000.

All must be right with the world. □

## Pesticide Tragedies

I read with great interest your cover story on the current fuss over the Texas Department of Agriculture's pesticide application standards (TO, 11/9/84).

Terri Langford's story was also well done, but I believe the real tragedy of the Gary Graham case — as someone who has written about Graham — is that he suffered severe, life-threatening injuries as a result of pesticide exposure, and yet the TDA didn't know about it until two years after the fact.

Despite the involvement of two federal agencies, the Stratford police and fire departments, the Sherman County commissioners court, the county agricultural extension agent, a host of physicians and other medical personnel and various other authorities, no one saw fit to contact TDA. The agency did not find out about the case until Graham — seemingly at the end of his rope — wrote an impassioned letter, asking for help.

It is also sad that people fail to believe Graham has been injured. Graham's former boss, the sheriff, was convinced Graham was faking. When I asked him why someone would willingly adopt Graham's stark lifestyle of isolation, he couldn't come up with an answer. I hope he's had time to think about it.

I fear there are many more Gary Graham's out there. Increased public awareness of the problem is the only way to bring their sad stories to light.

David Hanners  
Dallas

## In Defense of Mark White

I put in the small amount of time I could on the Doggett campaign and I suggest you read the sensible review of the election by Paul Burka in the December *Texas Monthly*. When we in Houston were calling black precincts for the first time (of any Democrats) on election day, there was something lacking in organization!

You should not so hastily put Lloyd Bentsen and Mark White in the "traitor" boat for their comments after the debacle. Much as everyone loves Bob Armstrong, I doubt that he at the top of the ticket could have pulled our beloved libs — Hightower, Richards, et al, through in 1982. Mark White has

been able to make this state "bite the bullet" on many overdue reforms because of the strength of that election vote.

Liberals have to hit a unique set of circumstances to win statewide in Texas. If Lloyd Doggett had emphasized his true role as a fiscal hardnose and social "good guy", it might have been better, instead of his campaign folks counting on the Yuppies splitting their tickets to assuage their social conscience for voting for Reagan economics. Instead, we saw more Republican straight-ticket voting in Harris county than we ever dreamed of, sweeping even judges out.

Being a martyr as a lib is not satisfying this election because the stakes are so high. It's time to start listening to people like Mark White and not holding your noses because he's not pure.

Carol Jeanes  
Houston

## Wrong Democrats

In all the election analyses I have read in *The Texas Observer*, the single most important reason for the Reagan landslide, in my opinion, has not been mentioned: we Democrats had the wrong candidates on the ticket.

Perhaps Ronald Reagan was unbeatable, given current economic conditions and the mood of the country, but I doubt it. I think it can objectively be argued that with Gary Hart as the Presidential candidate, and with Ernest Hollings, say, (or John Glenn or Lloyd Bentsen) as his running mate, the results would have been substantially better. The election at least might have been close. That would have been worth a lot for the party, and it might have saved a number of Democratic candidates in national, state and local races. (Tom Vandergriff's narrow loss to Richard Arney here in the 26th Congressional district is a good example.)

The reason we had the wrong nominees rests in the rules and philosophy of the Democratic party, particularly in the nominating process. Hart's wider base of support and superior "electability" were evident early on (he was not my original choice, incidentally), but his candidacy was overwhelmed by an array of traditional party procedures that had long since ordained Walter Mondale the winner. Procedures such as the caucus system, allocating

large quotas of delegates to party leaders over and above the primary and caucus results, selection of Congressional superdelegates, early endorsements by party "heavies", rewarding "deserving" party workers in the convention process — these and other strategies were brazenly implemented, and they failed, miserably. And they can be expected to fail in the future, because they have a narrowing effect on voter participation and support, rather than a broadening one, which is crucial in Presidential elections.

Party organization and loyalty still count for something, and still can be effective in state, local and Congressional contests. In Presidential elections, however, mass appeal is increasingly the name of the game. Strict partisan methods, even including registration drives and get-out-the-vote campaigns, are less effective today than they might have been in the past. There simply are not enough hard-core Democrats in the country anymore to carry the day. We must attract the independents, yes even the indifferent.

If Democrats are serious about winning the Presidency we will need to open up the nominating process, instead of tightening party reins. We need to give increasing numbers of people a chance to participate on a simple and decisive one-person-one-vote basis. This may seem like a risky business, not being able to manipulate and control the outcome, and it will certainly water down highly cherished political power accumulated by many individuals from national down to precinct level. But that is the way of democracy, and it might also be the way of victory.

Harry R. Van Dyck  
Denton



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# In the Shadow of the Dictators

By Louis Dubose

SOMEWHERE BETWEEN chapters 23 and 30 of Book I of *Don Quijote de la Mancha* begins the modern novel. Or so I am told by a professional *Cervantista*. It is in chapter 30 that Sancho's ass, stolen seven chapters earlier, reappears, and with no attempt to explain its reappearance. Critics and readers demanded an explanation, and literary orthodoxy won the day. A second edition included some 200 additional words explaining precisely how Sancho's mount was returned. Cervantes' suggestion — or did he simply forget a paragraph — that the reader do his part in the creative process was ill-received.

A caveat to readers of Sergio Ramírez's *To Bury Our Fathers*: come prepared to do your work. This is collaborative fiction.

Come prepared, also, for a variation on what has become a typically Latin American genre — the novel of the dictator. In many such works, president-generals, omniscient and omnipotent, are made to conform with reality by reworking them into characters in myths and fables. Within these literary forms they are more believable, their powers better understood.

Some have argued that only as archetypes, or fabulous composites, can the *caudillo* be approached. Not so with Ramírez. His novel is built upon the bedrock of history embellished but never exaggerated. And part of what makes his novel work is the dispassionate voice, usually in the third person, that tells the stories of a people stultified by the quotidian terror imposed by two generations of military dictators. Though never so named, these are obviously the men of the family Somoza. And the story is so firmly fixed in Nicaragua that it is helpful if the reader brings a map.

*¿Te Dio Miedo La Sangre?* (Did the Blood Make You Afraid?) was first

published in Caracas in 1977 while Ramírez lived in exile in Costa Rica. (It was written in West Berlin.) The English title is taken from the author's epigraph, a passage from *The Birds* by Aristophanes. In the novel Ramírez tells six related stories, working and reworking themes, such as revolution,

## TO BURY OUR FATHERS: A NOVEL OF NICARAGUA

By Sergio Ramírez  
Readers International, 1984  
P.O. Drawer E  
Columbia, LA 71418  
253 pp., \$14.95.

exile, and retribution, all the stuff of good fiction.

But powerful themes do not a novel — or a revolution — make, and it is precisely here that Ramírez succeeds so well. His novel is largely anecdotal, small stories told by small people.

On afternoons in a decadent nightclub that is slowly being swallowed by the waters of Lake Managua, a barkeeper and a musician remember their lives. Two-thirds of the club's musical trio are gone, one senselessly stabbed to death, the other gone into political exile in Guatemala. Their single record sits in a sleeve behind the bar. They own no record player. And just who was the greatest guitarist in Nicaragua? Ah, but what might have been.

A young man travels to Guatemala to bring home a father that he no longer remembers. "The news is," relates the wife who has supported the old man and his revolutionary schemes by what she earned at the family bakery, *La Opositora*, "that he has died in Guatemala . . . And he always wanted to come back to Nicaragua, alive or dead."

Dressing his father in a Guatemala City morgue, the son is bewildered by streaks of purple and red dye and starch, staining the old man's fingers. As a member of Nicaragua's national guard, his father had a hand in the execution of General Augusto César Sandino and later became a revolutionary known

throughout Central America. But in his later years, the son discovers, the old man supported himself and a new family by making and selling piñatas.

Sitting in a brothel, a prostitute swears that the Panamanian millionaire she left standing at the altar years before still comes in his private plane each Saturday to beg her to reconsider, to go to Colón with him. But she would rather laugh at life or return to her parents who write tearful letters forgiving all mistakes. She will remain at Lasinventura's, a brothel outside Guatemala City, frequented by few except a handful of Nicaraguan exiles. It is here that they lure Catalino Lopez, a Nicaraguan military officer attending the 1957 funeral of the assassinated president-general of Guatemala, Carlos Castillo Armas.

Ramírez develops most characters well and in a style we have come to recognize as distinctly Latin American, including several eccentrics so richly portrayed and fecund that they might sprout mushrooms.

There is an aged foreign-educated doctor, perennial opposition candidate for the presidency. When he returned from the Charcot de la Salêtrière Hospital, he began performing the first modern surgery ever witnessed in Nicaragua. After his French wife dies he retires to a small room full of urns filled with malignant tumors, the viscera of famous men, and the "extraordinary colossal brain of [Nicaraguan Poet] Ruben Darío." To groups of uniformed schoolchildren the old man would point out "the convulsion of Broca, where the spirit of the muses had been located." After his election victory is stolen from him, "his supporters swelled by every patient who came round from an operation," the old man goes mad, dons a presidential sash, repeats daily his acceptance speech in the Market at Masaya.

There is the old man's son, who founds the first Lions Club in Nicaragua. After years of failure at medical school he is ordered home to open a pharmacy across the street from his father's medical practice. He marries poorly to defy the old man, for the same reason becomes a loyal supporter of the regime, traveling to the capital "to attend banquets in honor of *el hombre* without anyone being aware that he was there, squashed as he invariably was at the end of a table in the midst of departmental delegations of tax inspectors and primary school teachers, who could never get enough to eat."

Louis Dubose, a frequent Observer contributor, is a freelance writer living in Austin.

Even with La Milagrosa, a healer who travels from plantation to plantation in an oxcart, healing ax-wounds, delivering babies, easing out splinters, and comforting the dying, Ramírez avoids the caricature and stereotype.

Characters are bound together by the person and politics of *el hombre*, then the sons of *el hombre*, and at the end — presumably after the death of Luís Somoza — the son of *el hombre*. All are either cursed or blessed; none escapes. Although the *caudillos* seldom appear, the author creates a powerful feeling of omniscience. When, on a clear day, the public is told that the outcome of the national election was changed because of rain, well, the message is clear. It rained because *el hombre* said it rained. But where the fabulist would have the old dictator conjure up a rain, Ramírez observes that it is raining because none, save one old man, will say otherwise; and all under a clear sky. The powers of these dictators are limited by the laws of physics.

If it is the shadow of the dictator that binds together the characters, and something of the plot, it is the reader who must first put the plot together and make it work. The six tales offered up by Ramírez are broken into some 33 fragments divided among nine chapters and an epilogue. And not even as the reader traces the fragments of one tale through the chapters in which they appear, will all of them fall into chronological order. To the two most recent editions, one published by the Ministry of Culture of Nicaragua, and the other here reviewed, have been added a set of six woodcut graphics. A graphic precedes each new scene. Also added is a chronology as an appendix. And even with these additions the reader is required to do much of the work, as stories are resolved before being introduced and characters cross from one tale into another as easily as they cross the borders of the six Central American countries through which one or another of the story lines proceeds.

Readers International publishes in English the works of writers from "outside the developed West." Many of these titles are censored in their countries of origin. At one point during the rule of Anastasio Somoza, Ramírez went into exile. At the time of Somoza's fall, Ramírez was a spokesman for the moderate *Tercista* faction of the Sandinista Front (FSLN). After serving as a member of Nicaragua's three-person executive committee, Ramírez was elected Vice President of the country on November 4. Yet *To Bury*

*Our Fathers* is a novel, not a polemic. The author managed to maintain his distance. He treats Somocistas in the novel fairly, at times with compassion, and depicts some of the revolutionaries as a burden to their country. We see men editing papers that no one reads and burying rifles along the borders while they plan invasions that will never be realized.

And it was Quijote who compared reading a translation to admiring the back of a Flemish tapestry. The unrecognized art of translation has been transformed since Cervantes turned his knight on the editorial hacks of 17th century Spain. But there are some rough spots in Nick Casitor's translation. It is in places wordy, contains enough awkward sentences to make me wish that he had been more idiomatic than literal,

and at one point in Chapter 1, apparently to avoid repetition that is more acceptable in the Spanish, utterly confuses the antecedent of a pronoun important to understanding the passage and the chapter.

Having said that, I want to affirm that this is a readable translation of a work rich in, well, *hispanismos*: idioms and even verbs that would bewilder speakers and readers of the King's (Juan Carlos's) Spanish. Make up your own mind. But this is a good novel.

Will you be allowed to meet its author? Probably not any time soon. This past year, the U.S. State Department, under the provisions of the McCarran-Walter Act, denied Ramírez an ordinary visa for a scheduled lecture tour in this country. □

## Poets of Nicaragua

By Amy Johnson

**P**OETS OF NICARAGUA is an important and timely collection of poems by 13 twentieth-century Nicaraguan poets. The bilingual anthology is significant not only because it introduces this wide range of poets to an English-speaking audience, but also because it conveys the power and sophistication of the poetry that has come out of Nicaragua.

### POETS OF NICARAGUA: A BILINGUAL ANTHOLOGY, 1918-1979

Selected and translated by Steven F. White  
Unicorn Press  
P.O. Box 3307  
Greensboro, NC 27402  
209 pp., \$20.00, (\$9.00 paperback).

Like Chile and Mexico, Nicaragua has nurtured a bevy of internationally-recognized poets: Rubén Darío, Salomón de la Selva (the first Hispanic-American to be nominated for the Nobel Prize), Joaquín Pasos, Ernesto Cardenal . . . These poets formed a network in Nicaragua: a conscious literary dialogue among generations. White shows us this continuing literary argument by presenting the poets chronologically and pro-

*Amy Johnson is a freelance writer from Texas and a Harvard law student.*

viding short biographies to explain each poet's historical role.

The modern history of Nicaraguan poetry begins with Rubén Darío, who in the late 1800s declared literary independence from Spain, giving birth to "modernismo." Darío's experiment succeeded — so much so that Europeans began to imitate them.

Steven White's book begins with the Nicaraguan response to Darío. Among the post-modernists who led the literary rebellion against Darío were Alfonso Cortés and Salomón de la Selva. They are the first poets in the anthology. Following them are the poets of the Vanguard movement, which was born in 1927 when José Coronel Urtecho returned from the United States. Urtecho declared that Nicaragua must be autonomous — a resonant theme for generations of Nicaraguan poets, including the present one.

While the poems' rhythm, content, and style are Hispanic, their appeal is universal. When Alfonso Cortés describes autumn, it is the autumn we know:

The sky is a faithful memory of colors  
where a resonant wind swirls in the  
afternoon  
like a madwoman sinking  
her thoughts in the silken skin of  
flowers.

And when Joaquín Pasos describes "The Old Indians," we can easily envision the Native Americans of our own country:

The old men take their sins to the countryside,  
this is their only work.  
They free them by day, then spend the day forgetting,  
and in the afternoon they go out and lasso them  
so they can sleep with them and keep warm.

Yet the political content of many of the poems reminds us that these poets are from Central America. Some of the poets openly responded to the volatile political situations in their country, joining the battle against foreign intervention and tyranny. Pasos, who died in 1947, described the American presence in Nicaragua in the 1930s. He wrote the following poem in English instead of Spanish:

Intervention Time: 1 p.m.  
The hour sings obscenities  
over a fat man's belly on good digestion  
and it belches the words.  
That is why I throw them in English.

Another quality of this after-glut time is to be special for roughness.

So, we may spit the druggist's shop of the sun

and say: "What do you want?" and "Go to hell." The minutes bite like mosquitoes.

This is an Intervention time.  
This is an hour to be said by yankee trumpets  
just up there in the Campo de Marte.  
O! The Houses are groggy under the blows of heaven.

You will never get for your hair a ribbon  
or a star from the North American banner!

Pasos' sentiments are echoed in the 1970s by Ernesto Cardenal, who is now Minister of Culture in the Sandinista government. He uses humor to recognize — and ridicule — the awful power of Somoza ("Somoza Unveils the Statue of Somoza in Somoza Stadium"):

It's not that I think the people erected this statue  
because I know better than you that I ordered it myself.  
Nor do I pretend to pass into posterity with it

because I know the people will topple it over someday.

Not that I wanted to erect to myself in life

the monument you never would erect to me in death:

I erected this statue because I knew you would hate it.

To gather these poems, White traveled from town to town in Nicaragua seeking poets and manuscripts. He began in 1979 (shortly before the Sandinistas defeated the Somoza regime). To learn the peculiarities of Nicaraguan Spanish, he worked on a coffee plantation during harvest time. White was soon befriended by Cardenal, who introduced him to other poets and to the Nicaragua of the revolution. (His own book of poetry, *Burning the Old Year*, vividly describes this time.)

White presents both the "literary giants" of Nicaragua as well as the revolutionary poets. "Part of my responsibility as an anthologist is to try to be really open to different styles of work," White explained. "It's important to represent what's going on in a country. . . . You have to realize how people of their own country assess themselves." □

## • SOCIAL CAUSE CALENDAR •

### A MUSICAL LOSS

Santiago Jimenez, the San Antonio native who helped create conjunto music, died **December 18** in San Antonio. In the 1930s and 1940s, Jimenez and Narciso Martinez developed the distinctive conjunto style of accordion playing based on a combination of German polkas and Mexican rancheras. Santiago Jimenez's son, Leonardo "Flaco" Jimenez, brought conjunto music to international attention when he recorded and toured with rock musician Ry Cooder.

### ART NEWS

**Austin:** Mexic-Arte, a service and support organization for artists, will sponsor "Realidades Mexicanas," a mixed media exhibit demonstrating several aspects of Mexico through important Mexican woodcuts and photographs. The historical context of contemporary Mexican-American art will be shown, as well, in the exhibit's parts, "Realismo en Texas," "Cuatro Decadas de la Grafica," and "Mexican Photographers." **January 11-February 8**, Arts Warehouse, 300 San Antonio St. For details, call (512) 480-9373.

**Fort Worth:** "Charles M. Russell: Paintings, Drawings, and Sculpture," a special exhibit portraying the American frontier as Russell knew it, will be shown

### OBSERVANCES

**January 15, 1929** — Martin Luther King, Jr., was born.

**January 17, 1970** — Chicano activists gathered in Crystal City to found La Raza Unida Party.

**January 19, 1973** — Virginia Musquiz voted Chicana del Año.

**January 20, 1925** — Miriam Ferguson was inaugurated as the first woman governor of Texas.

**January 22, 1973** — U.S. Supreme Court legalized abortion.

**January 23, 1907** — Charles Curtis of Kansas, became the first Native American U.S. Senator.

**January 26, 1833** — Elisabet Ney, Austin resident, feminist, and Texas artist, was born in Germany.

**January 27, 1973** — Vietnam peace treaty signed in Paris.

**January 11-March 10**, Amon Carter Museum. The artist also wrote of his perception of the changing West: "This country is fenced and settled by ranch men and farmers with nothing but a few deep worn trails where once walked the buffalo . . . I am glad . . . I knew it before nature's enemy (sic) the white man invaded and

marred its beauty." Joan Stauffer will perform her one-woman program, "A Visit with Nancy Russell," **January 12 and 13**, the Museum Theater.

**Houston:** "Faces of Mexico: Masks from the Cordry Collection," an exhibit of 15 masks selected from the outstanding Cordry Collection of the Institute of Latin American Studies, University of Texas, Austin, will be presented in conjunction with a celebration of the arts and crafts of Mexico, sponsored by Amigos de las Americas, **January 9-March 3**, Museum of Fine Arts, Lower Brown Corridor.

### TRINITY LECTURES

Trinity University, San Antonio, will host two lectures: "Learning Disabled Children and Remediation of their Difficulties," presented by Dr. Doris Johnson, Northwestern University, and Dr. Janet Lerner, Northeastern Illinois University, **January 19**, Chapman Auditorium, 9 a.m.-noon; and Elie Wiesel, holocaust writer and Auschwitz survivor, speaking as part of the distinguished Lecture Series, **January 23**, Laurie Auditorium, 8 p.m. Both lectures are free.

### A PLEDGE OF RESISTANCE

A new group, Citizens for Self-Determination in Central America (CISDICA), has been formed in San Antonio to organize a plan for immediate public reaction in the event of a U.S. invasion of Nicaragua.

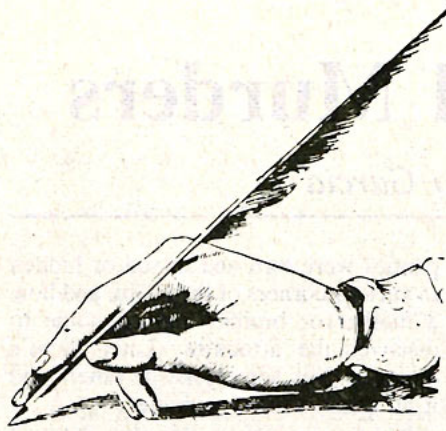
For more information call Loretta Vila-Henninger, (512) 224-2932, or Judy Abernathy, (512) 344-2535.

### WRITER'S PRIZE

"I have never advocated violence in any form. I have always believed in education, in intelligence, and I have always made my appeal to the reason and to the conscience of the people." Eugene V. Debs, 1918

The sixth annual Bryant Spann Memorial Prize of \$750 will be awarded by the Eugene V. Debs Foundation in 1985 for the best article, published or unpublished, written in the Debsian tradition of social protest and reform. For details and competition rules, write the Bryant Spann Memorial Prize Committee, Department

of History, Indiana State University, Terre Haute, IN, 47809; enclose SASE.



### PEACE RESOURCES

The St. Paul Drugstore, San Antonio, offers "The Grassroots Peace Directory," a comprehensive listing of peace groups in Texas, and "A Working Bibliography of Peace Books for Children and Youth," a list of books, films, records, and manuals. Both can be ordered from Interchange, Box 12685, San Antonio, 78212; \$3.50 each.

### WOMEN AND THEIR FRIENDS

Austin Women & Their Work, a multi-disciplinary arts organization that presents innovative arts activities statewide, has inaugurated a membership component to the organization, the Friends of Women & Their Work. Special benefits and membership rates apply to Friends. For more information, call (512) 477-1064.

### Progressive Organizations

The Observer has built up lists of organizations in Texas we regard as progressive. The editor invites communications recommending organizations for inclusion. The revised lists published in this issue should be saved since they will not reappear again together, but will be published separately as space permits.

#### AROUND TEXAS

**Amarillo:** Clergy and Laity Concerned, 373-8668; Panhandle Environmental Awareness Cmte., 376-8903; Women's Action for Nuclear Disarmament, 381-1039. **Arlington:** United Viet. Vets. Organization, 461-6453. **Arp:** NOW, 566-8263. **Bastrop:** Central Tx. Lignite Watch, 321-5246. **Bay City:** Matagorda Co. Citizens for Environmental Protection, 245-2261. **Beaumont:** Sierra Club, 866-2814; United Viet. Vets. Organization, 727-4873. **Bonham:** Citizens Party, 111 E. 5th St., 75418. **Bryan:** Brazos Civil Liberties Union, 846-1436. **College Station:** Alternative, 846-8022; Brazos Valley Peace Action, 693-8748; Brazos Valley Sierra Club, 696-7437; Bread for the World, 696-2802; Gay Student Services, 846-8022; NOW, 696-9538; Women and Agriculture Information Network, 846-2506. **Corpus Christi:** American GI Forum, 241-8647; Amigos de las Americas, Box 1437, 78403; Coastal Bend Sierra Club, 883-0586; C.C. Cmte. on Justice in El Salvador, 884-6699; C.C. Coalition of Black Demos., 151 Jade Dr., 78409; Gulf Coast Conservation Assoc., 991-9690; League of Women Voters, 991-4059; LULAC, 882-8284; NAACP, 884-8541; NOW, 883-4469; OPUS, 881-6308; Tx. Pesticide Abuse Coalition, 855-7061; Women's Shelter, 881-8888. **Denton:** Tx. Gay Task Force, 387-8216. **El Paso:** El Paso Interreligious Sponsoring Organization, 772-1483; El Paso Peace Coalition, 9524 Bellis Ave., 79925; Santa Lucia Reach Out, 518 Gallagher, 79915. **Euless:** Dist. 10 Demos., 283-7001. **Fredericksburg:** Fredericksburg Peace Alliance, 997-3263. **Gainesville:** Organizing Cmte for Nat'l Writers Union, 411 N. Morris St., 76240. **Galveston:** Sierra Club, 765-9289. **Garland:** Bread for the World, 495-1494. **Hereford:** People Opposed to Wasted Energy Repository, 258-7583; Tx. Rural Legal Aid, 364-3961. **Littlefield:** Socialist Party, Box 926, 79339. **Lubbock:** National Lawyers' Guild, 799-2714; Network, 796-1905; NOW, 793-0582; South Plains Alternative Resources Coalition, 796-1905; South Plains Clergy and Laity Concerned, 2007 28th St., 79411; **Midland:** United Viet. Vets. Organization, 684-3768; Tx. Women's Political

Caucus-Permian Basin, 683-3863. **Muleshoe:** Chicanos Unidos-Campesinos, Inc., 272-4233; Defensa, 272-4233. **Nacogdoches:** Tx. Cmte on Natural Resources, 564-9728. **Raymondville:** Centro del Pueblo, 759 W. Hidalgo, 78580. **Robstown:** Citizens Against Dumps, Rt. 2, 78380. **San Angelo:** Concho Valley Sierra Club, 944-2424. **San Marcos:** Americans for a Secure Future, 396-4222; Students Against Continued Involvement in El Salvador, (Austin) 443-8525. **Saratoga:** Big Thicket Assn., 274-5000. **Temple:** Ground Zero, 771-3779; Temple Peace Group, 771-3779; United Viet. Vets. Organization, 773-7987; **Texas City:** Gulf Coast Council on Foreign Affairs, 938-1211, ext. 296/297. **Tyler:** Interfaith Peace Fellowship, 593-5650; NOW, 566-2705; Tyler Peace Group, 561-5501. **Valley (Rio Grande):** Border Assn. for Refugees from Central America, 585-4003; Cmte. Against Public Utilities, Box 789, Brownsville 78520; La Raza Legal Alliance, 402 E. Harrison, 2nd Floor, Harlingen, 78550; Oficina Legal, Box 1493, San Juan, 78589; Proyecto Libertad, 425-9552; Sierra Club, 687-2169; Tx. Health Coalition, 113 W. Harding, Harlingen, 78550; United Farm Workers Union, 787-2233; Valley Citizens for a Bilateral Nuclear Weapons Freeze, 682-1857; Valley Inter-religious Taskforce on Central America, Valley Pesticide Coalition, 968-9574; Valley Troqueros, 1101 Vine, Suite A, McAllen 78501. **Waco:** ACLU, 755-3611; American GI Forum, 799-8712; Audubon Society, 3701 Beverly Dr., 76711; Baylor Young Demos., 756-4839; Bread for the World, 772-3135; CURE, 754-2008; IMPACT, 772-7006; League of Women Voters, 754-1066; LULAC, 776-0438; NOW 752-5975. **Wichita Falls:** Citizens for Nuclear Awareness, 691-6001.

#### AUSTIN

ACLU, 447-5849; ACORN, 442-8321; Alternative Views (ACTV), Box 7279, 78712; Amn. Friends Service Cmte., 474-2399; Amnesty Intl., Box 4951, 78765; Anti-Hunger Coalition of Tx. (ACT), 474-9921; Assoc. for Retarded Citizens (ARC), 476-7044; Audubon Scty., 472-4523; Audubon Scty. (National), 327-1943; Aus. Lesbian-Gay Pol. Caucus, 474-2717; Aus. Neighborhood Fund, 454-0963; Aus. Peace and Justice Coalition, 474-5877; Aus. Pesticide Action Group, 459-8063; Aus. Tenants Ccl., 474-1961; Aus. Women's Alcohol Resource and Education Center (AWARE), 472-5553; Aus. Women's Centr., 472-3775; Aus. Women's Political Caucus, 474-1798; Aus. Writers' League,

444-9379; Austinites for Public Transportation, 454-9060; Black Aus. Demos., 478-6576; Blackland Nghbrhood Ass., 474-1243; Brthhood of Viet Vets., 892-4220; Center for Battered Women, 472-HURT; Central America Resource Center, 476-9841; Central Aus. Demos., 477-6587; Central Tx. Lignite Watch, 479-0678; Citizens Party, 459-1022; Ctzn. Party (Gay Caucus), 472-1717; Ctzn. United for Rehab. of Errants (CURE), 476-4762; Cmte. in Solidarity with the People of El Salvador, 477-4728; Common Cause, 474-2374; Demo. Socialists of America (DSA), 458-2472; Ecology Action, 478-1645; El Central Chicano, 472-9832; Grandparents for Nuclear Disarmament Action, 453-1727; Gray Panthers, 458-3738; IMPACT, 472-3903; In These Times (Tx. Bureau), 477-3281; Lawyers Alliance for Nuclear Arms Control (LANAC), 476-5121; League of Women Voters, 451-6710; Leonard Peltier Support Group, 472-4142; Live Oak Fund for Change, 476-5714; Lone Star Alliance, 472-3998; LUCHA, 477-5770; LULAC, 477-6511, ext. 2859; Max's Pot, 928-4786; Mxn.-Ann. Demos., 473-9444; Music Umbrella, 476-1324; Nat'l Lawyers' Guild, 472-6270; NOW, 452-7276; Nuclear Weapons Freeze Campaign, 476-3294; Organizing Cmte. for a Nat'l Writers Union, (OCNWU), P.O. Box 4184, 78765; Pax Christi, 258-3942; People for the American Way, 472-7007; Phogg Foundation, Box 13549, 78711; Planned Parenthood, 472-0868; Poverty Education and Research Center (PERC), 474-5019; Box 13549; Poverty, Education and Research Center Professionals for Nuclear Arms Limitations, 443-9826; Red Ryder Preservation Soc., 479-8548; Save Barton Creek Assn., 451-7739; Sierra Club, 478-1264; Socialist Party, 452-3722; Sponsor Coordinator for Refugees, 454-2519; Txns. for Children, 445-0414; Tx. Abortion Rights Action League (TARAL), 478-0094; Tx. Alliance, 474-5019; Tx. Center for Rural Studies, 474-0811; Tx. Cmte. on Natural Resources, 443-8037; Tx. Council on Family Violence, 327-8582; Tx. Death Penalty Action Group, 3104 Dancy, 78722; Tx. Environmental Coalition, 476-3961; Tx. Farm Workers Union, 441-0837; Tx. Fathers for Equal Rights, 452-0848; Tx. Mobilization for Survival, 474-5877; Tx. Pesticide Project, 474-0811; Tx. Solar Energy Society, 472-1252; Tx. Women's Political Caucus, 474-1798; Travis Cty. Demo. Women's Cmte., 443-0479; UCAM, c/o Carlota Smith, Dept. of Linguistics, UT-Austin, 78712; UNICEF,

# Law School Murders

By *Ruperto Garcia*

Austin

**I**N THE LAW SCHOOL, there are many murders. People slay each other without feeling. And then we sit in a class, discussing how this or that person was done in: how a little girl's

panties were torn and tossed or hidden in various corners of the room, and how a mother or brother arrived home to discover the atrocities. Later there's laughter over some joke or other, and it all doesn't seem to matter.

Then, too, there are the political considerations for the killers: is the death penalty too much imposed on some (I don't know) and not others. Out of 77 convicted of first degree murder, according to one study, only seven will

then be killed by the state. And why those seven? (I don't know.)

I don't know much these days. And every day I get more and more ignorant. It has come to bother me at times. Today, I seek solace on a friend's back porch to once again look for justice. Once again I need to talk to people on the street and ask what justice means and who should get it. The law, I think, is probably as good a place as any to ask the questions, but I am wondering if it is the place to find the answers.

There was a contract in one case (permit me to digress), in which a woman — then on welfare, with seven children, black, in Washington, D.C. — in which a woman had agreed with someone selling furniture to her that if she should not be able to afford to pay for her final purchase — a \$500 stereo

*Former Observer reporter Ruperto Garcia is now pondering law at UT Law School.*

(Continued from Page 29)

837-7248; United Farm Workers Union, 474-5019; Univ. Employees Union, 478-0546; Univ. Mobilization for Survival, 476-4503; West Aus. Demos., 454-2828; Women and Their Work, 477-1064; Women's Advocacy Project, 477-8113.

## DALLAS

ACLU, 651-7897; ACORN, 823-4580; Alliance for Mental Recovery, 436-1660; Arms. for Demo. Action, 368-8931; Armadillo Coalition, 349-1970; Bois d'Arc Patriots, 827-2632; Bread for the World, Joe Haag, 741-1991x298; Casa America Libre, 942-9413; Ctzn. Assn. for Sound Energy (CASE), 946-9446; Ctzn. Party, 352-1239; Clean Air Coalition, 387-2785; Comanche Peak Life Force, 337-5885; Cmte. in Solidarity with the People of El Salvador, 375-3715; Dallas Area Bilateral Nuclear Freeze Coalition, 324-1972; Dallas-Ft. Worth Solar Energy Assn., 522-2816; Dallas Friends Service Group, 321-8643; Dallas Gay Alliance, 528-4233; Dallas Inter-Religious Task Force on Central America, 375-3715; Dallas Nuclear Freeze Coalition, 324-1972; Dallas UN Assn., 526-1853; E. Dallas Neighborhood Assn., 827-1181; Environmental Health Assn., 620-0620; Fellowship of Reconciliation (FOR), 370-3805; Fredrick Douglass Voting League, 426-1867; Hard Times News, 942-4236; Human Ecology Research Foundation, 620-0620; Humanists of North Tx., 381-1818; Lawyers' Alliance for Nuclear Arms Control, 43 Charles St., Suite 3, Boston, 02114; Neighborhood Info. & Action Service, 827-2632; N. Lake Col. Solar Club, 659-5254; N. Tx. Abortion Rights Action League (NTARAL), 742-8188; NOW (Dal. Co.), 296-0122; NOW (N. Dal.), 494-2990; Physicians for Social Responsibility, 688-2699; Progressive Voters League, 376-1660; Resistance Cmte., 942-4236; Sierra Club, 369-5543; Tx. Cmte. on Natural Resources, 352-8370; Tx. Tenants Union, 823-2733; UNICEF, 241-7807; War Resisters League, 337-5885; West Dallas Involvement Cmte., 1902 Bickers, 75212; Women's International League for Peace and Freedom, 324-1972; World Federalist Assn., 392-2340.

## FORT WORTH

ACLU, 534-6883; ACORN, 924-1401; Allied Communities of Tarrant (ACT), 332-1830; Bread for the World (Dist. 12), 924-1440; Citizens for Education on Nuclear Arms (CENA), 295-6587; Citizens for Fair Utility Regulations, 478-6372; Citizens' Party, 834-5123; Coalition of Labor Union Women, 540-1393; Conscientious Objector Awareness Cmte., 457-6148; Dist. 10 Demos., 283-7001; Dist. 12 Demos., 535-7803; Fellowship of Reconciliation (FOR), 274-7554; First Friday, 927-0808; IMPACT, 923-4806; Mental Health Assn., 335-5405; Mexican-American Demos., 626-8305; NOW, 338-4456; Nuclear Weapons Freeze Campaign, 926-3827; Sierra Club, 244-2328; Tarrant Co. Demo. Womens' Club, 261-6583; Tarrant Co. Precinct Workers' Club, 429-2706; Tx. Coalition of Black Demos., 534-7737; Tx. Tenants' Union, 923-5071; Traditional Native American Circle, 926-9258; Women's Political Caucus, 336-8700.

## HOUSTON

ACLU, 524-5925; ACORN, 523-6989; Alliance for Mental Recovery, 723-1843; Americans for Democratic Action, 669-0880; Amnesty Intl., 526-3121; Casa Juan Diego, 869-7376; Centro Para Inmigrantes de Houston, 228-0091; Citizens' Anti-Nuclear Info. Team (CAN IT), 522-3343; Citizens' Environmental Coalition, 523-3431; Citizens for Human Development, 529-2149; Common Cause, 774-3923; Demo. Socialists of America (DSA), 645-6522; Gay Political Caucus, 521-1000; Harris Co. Citizens Party, 465-8418; Harris Co. Concerned Women, 674-0968; Houston Anti-Draft Coalition, 529-4087; Houston Area Women's Center, 528-6798; Houston Nonviolent Action, 661-9889; Houston War Tax Resistance, 661-9889; Interfaith Cmte. on Central America, 526-3276; Interfaith Peaceforce of Houston, 688-3803; Lesbian and Gay Demos. of Texas, 521-1000; Metropolitan Organization, 868-1429; Mothers Without Custody, 880-1950; NAACP, 526-3389; NICASOL (Nicaraguan Solidarity), 522-0619; North Harris Co. Demos., Box 90704, 77290; NOW, 522-6673; Park People, Inc., 741-2524; Physicians for Social Responsibility, 792-5048, or 774-4006;

Pueblo to People, 523-1197; Senate Dist. 15 Demos., 862-8431; Sierra Club, 523-3431; Southern Africa Task Force, 528-1225; Tx. Abortion Rights Action League (TARAL), 520-0850; Tx. Coalition of Black Demos., 674-0968; Tx. Fathers for Equal Rights, 960-0407; Toxic Substances Task Force, 523-3431; Women's Lobby Alliance, 521-0439.

## SAN ANTONIO

ACLU, 224-6791; Alternatives to Imprisonment, Box 27393, 78227; Amnesty Int'l., 734-8692; Centro Cultural Aztlan, 733-7928; Citizens Concerned About Nuclear Power, 653-0543; Citizens for Self Determination, 224-2932; Civil Rights Litigation Center, 224-6726; Common Cause, 494-5676; Communities Organized for Public Service (COPS), 222-2367; Ex-Partners of Service-men for Equality (EXPOSE), Box 34474, 78233; Fellowship of Reconciliation, 822-9631; Gray Panthers, 680-3679; Habitat for Humanity, 822-9900; Intercongregational Justice and Peace Office, 344-6778; Inter-University Faculty Network, 436-3107; International Center for Peace Through Culture, 822-0461; Interreligious Task Force on Central America, 432-1125; Latin-American Assistance, 736-9306; Metropolitan Congregational Alliance, 349-2401; Mexican-American Democrats, 223-1776; NAACP, 224-7636; Padres, 736-1330; Peacemaking Fellowship, 732-9927; People for Peace, 822-3089; Physicians for Social Responsibility, 735-8044; Presbyterian Peace Fellowship, 732-9927; Prisoners Defense Committee, Box 27393, 78227; Residents Organized for Better and Beautiful Environmental Development (ROBBED), 226-3973; S.A. Ad Hoc Committee for Peace and Disarmament, 736-2587; S.A. Demo. League, 341-7361; S.A. Forum on Energy, 653-0543; S.A. Gay Alliance, Box 12063, 78212; San Antonians for Freedom of Choice, 347 Bushnell, 78212; Sierra Club, 271-7169; S. West Voters' Registration Education Project, 222-0224; Tx. Fathers for Equal Rights, 337-6803; Trinity University Nuclear Issues Coalition, 737-4309; UNICEF, 828-4528; United Campuses Protesting Nuclear War, 732-2722; Vietnam Vets. Against War, 533-9693; Women's Political Caucus, 828-3061.

— the store could take back all she had ever bought there and had owed a balance on.

Of course, she couldn't pay. The time came when it all had to be repossessed. It was the contract she had signed, a few students said. "She didn't read it." It turns out it doesn't matter much if you can read or write. "But was it right," asked the professor, "for the court to step in and stop the contract from being enforced as written and as understood?" In class, we were all stumped. When should the court interfere with contracts between parties when both parties consented?

The following morning, while waiting for a bus, I watch a black, middle-aged man helping children across the street on the way to school. He holds up a bright orange flag. They look back at him, then wave when they're safely across. He walks back to his corner to wait for others. He stands there for a while, some 30 feet away from me, looking around for any approaching children. He looks to be a solid citizen. It is an honorable profession, beyond many others, to walk children across the street to get them safely to school. The hours are short, at least.

I sit there quietly for a while, wondering if I should ask him — if I should take the time to explain the case, not wanting to endanger any children by distracting him. I've heard too many horror stories these days. Finally I approach, ask him about my bus, and tell him I have another question, explaining first who I am — a student trying to figure things out.

"There was this woman," I tell him. He looks intently at me while I try to tell him.

"There was this woman who made a deal. She signed a contract. She'd bought a lot of furniture at a store, and all on credit. Each time, before her balance ran out, she would tack something else on. In that way, you see, she filled her house with furniture over the years — some \$1400 worth of it, I think."

The man kept looking at me, as if he could tell that I am prone to get myself into these conversations.

"Anyway, on the provisions of the contract, there was a clause. There is a legal name for it, but it makes no difference. The clause stated that whatever she paid on her last purchase would not go just to that purchase, but would be considered as a partial payment on every item she had ever bought there and not paid in full before getting more credit, as if she had still owed a balance on everything. The money would be

applied in some way to each of her many little balances. She would, in fact, owe something on everything."

At this he smiled, as if he found the idea somewhat silly.

"Anyway," I continued, ignoring the smile. "She couldn't pay. And because of that clause, which she had agreed to when she had signed the contract, the company now says that, since she had owed a balance on all of her furniture, they can take it all back.

"I want to know what's wrong with that. She signed a contract, you see, and she agreed to do it that way. And somehow it all seems right from a legal sense to accept it; the contract is enforceable and all, but there is something wrong with it."

He stood there for a second, looking at me as if he were surprised that the question was so easy. He looked around. There were no children coming. It was getting late in the morning by then, and they were all perhaps sitting in class at school, already raising their hands to answer other questions.

It is too obvious now, after he said it.

"Yes. It is wrong," he said. "It doesn't make much sense, actually." And here, perhaps, I make him sound too much like me to justify my having to ask the question. "A contract is a piece of paper. There is no justice in it. The justice or injustice of it is somewhere else; in how it works on people. In what effect it had. A mother and seven children shouldn't be cleaned out because they happened to sign some document drafted like that." He seemed almost disgusted with the thought. "It doesn't even make much sense," he said.

I HAVE THOUGHT much about law school since then — about being here, and about listening and hearing more than people mean to say.

There were more murders discussed today. Someone killed someone else with a wrench. And we determined just what the cause and effect was: why, somehow, justice would be better served if this one or the other person might

die or live and how best to award damages for a man run down by one and then, as he crawled off the street, run over again by another.

But, most of all, I think of another case in the early days of class that should have told me what we would be expected to do. It was a meteor case. Two people, on a presumably clear night, were looking at the sky. Or perhaps only one of them was looking, the one who saw it fall.

It fell on a neighbor's farm, either some blocks or miles away. Come morning or some time the following day, he walks over to talk to the tenant who rented the land from the owner.

"I saw a meteor fall," he said. "I came to pick it up." With that, he dug it up from where it lay imbedded in the land and took it off to sell to someone else. He claimed that he had found it.

And then the suit came. The owner of the land on which the meteor fell came to reclaim his property.

"It is my meteor," he said. "It fell down from the sky onto my land." A gift of God, one would think.

The court came in, looked at the piece of star or sky or rock or whatever it was and quickly decided how best to serve justice. "You give that much to him and we will call it settled."

Justice was served, somehow. I never thought of it that way. But justice was served. □

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